



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***AUGUST 18, 2003
2:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA

1. Call to Order--Roll Call.

The Invocation will be delivered by The Reverend Pamela P. Crump, Pastoral Assistant for Christian Education, High Street Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, August 21, 2003, at 7:00 p.m., and Saturday, August 23, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, TO OBTAIN AN APPLICATION.

REGULAR SESSION

2. PRESENTATIONS AND ACKNOWLEDGMENTS:

Proclamation declaring Friday, August 29, 2003, as Hokie Pride Day.

P 12

3. CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 Minutes of the regular meeting of Council held on Monday, July 7, 2003, and recessed until Friday, July 18, 2003.

P 13

RECOMMENDED ACTION: Dispense with the reading of the minutes, and approve as recorded.

- C-2 A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

P 71

RECOMMENDED ACTION: Concur in the request.

- C-3 A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss a special award, being the Shining Star Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended.

P 72

RECOMMENDED ACTION: Concur in the request.

- C-4 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended. P 73

RECOMMENDED ACTION: Concur in the request.

- C-5 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended. P 74

RECOMMENDED ACTION: Concur in the request.

- C-6 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended. P 75

RECOMMENDED ACTION: Concur in the request.

- C-7 Annual Report of the Board of Zoning Appeals for fiscal years 2002 and 2003. P 76

RECOMMENDED ACTION: Receive and file.

- C-8 Annual Report of the Industrial Development Authority for the City of Roanoke for fiscal year 2003. P 90

RECOMMENDED ACTION: Receive and file.

C-9 Qualification of the following persons:

Gail Burruss as a member of the Court Community Corrections Program Regional Community Criminal Justice Board, for a term ending June 30, 2005;

Wilburn C. Dibling, Jr., as a member of the Roanoke Public Library Board, for a term ending June 30, 2006;

William D. Bestpitch as a member of the Roanoke Valley-Alleghany Regional Commission, for a term ending June 30, 2006; and

William D. Bestpitch as a City of Roanoke representative to Virginia's First Regional Industrial Facilities Authority, for a term ending September 24, 2006.

RECOMMENDED ACTION: Receive and file.

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS:

- a. Recommendation from the Commonwealth's Attorney for acceptance of Victim/Witness Grant funds from the Department of Criminal Justice Services, in the amount of \$102,757.00; and a communication from the City Manager concurring in the recommendation.

P 105; B/O 110; R 112

- b. Recommendation from the Commonwealth's Attorney for acceptance of Multi-Jurisdictional Special Drug Prosecutor grant funds, in the amount of \$84,994.00; and a communication from the City Manager concurring in the recommendation.

P 113; B/O 117; R 119

- c. Recommendation from the Commonwealth's Attorney for appropriation of Forfeited Criminal Assets funds, to continue criminal law enforcement efforts; and a communication from the City Manager concurring in the recommendation. P 120;
B/O 124

6. REPORTS OF OFFICERS:

- a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

1. Acceptance of Temporary Assistance to Needy Families Hard to Serve Project Grant funds from the Virginia Department of Social Services for fiscal year 2004, in the amount of \$207,000.00; and appropriation of funds in connection therewith. P 125;
B/O 127;
R 128
2. Transfer of \$260,000.00 in connection with completion of Phase I of the Roanoke Civic Center Expansion and Renovation Project. P 129;
B/O 130

- b. DIRECTOR OF FINANCE:

1. Financial report for the month of June 2003. P 132

7. REPORTS OF COMMITTEES:

- a. Request of the Roanoke City School Board for appropriation and transfer of funds to various accounts; and a report of the Director of Finance recommending that Council concur in the request. P 166;
B/O 170

8. UNFINISHED BUSINESS:

- a. A communication from the City Manager with regard to the Derelict Structures Fund grant. (Deferred from the July 21, 2003 meeting of Council.) P 173;
R 174

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

- a. A RESOLUTION providing that the 9:00 a.m. work session of the Council on the third Monday will convene in the Emergency Operations Center Conference Room instead of the City Council Chamber.

P 176

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.
- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

12. CITY MANAGER COMMENTS:

CERTIFICATION OF CLOSED SESSION.

THE COUNCIL MEETING WILL BE DECLARED IN RECESS UNTIL 7:00 P.M., IN THE CITY COUNCIL CHAMBER.



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***AUGUST 18, 2003
7:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA

Call to Order -- Roll Call.

The Invocation will be delivered by Council Member William D. Bestpitch.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

The Council meeting will be televised live by RVTv Channel 3 to be replayed on Thursday, August 21, 2003, at 7:00 p.m., and Saturday, August 23, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

A. PUBLIC HEARINGS:

1. Request of Akzo Nobel Coatings, Inc., that a portion of Roanoke Avenue, S. W., adjacent to Burks Street, be permanently closed by barricade. Samuel N. Winkler, Spokesperson. P 178;
O 186
2. Request of Roanoke Country Club, Inc., and the Scott Robertson Memorial Fund, a Virginia Non-Stock Corporation, that a 15-foot right-of-way, extending in a northeasterly direction from the northerly boundary of Densmore Road, N. W., be permanently vacated, discontinued and closed. Alton B. Prillaman, Attorney. P 189;
O 198
- 3.(a) Proposed amendments to the Zoning Ordinance to better define and differentiate between certain interrelated land use activities that involve towing services, wrecker services, new and used motor vehicle sales and service and a new and used commercial motor vehicle sales and service. R. Brian Townsend, Agent, City Planning Commission. P 202;
O 212
- (b) A communication from the City Manager recommending adoption of an ordinance amending Section 20-71 of the City Code pertaining to the regulation of on-street or alley parking of commercial motor vehicles in residential districts. P 224;
O 226
4. Amendment of Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, Section 36.1-693, Notice of hearing, by deleting the requirement of erecting signs when a proposed amendment affects more than twenty-five parcels. R. Brian Townsend, Agent, City Planning Commission. P 228;
O 230

B. OTHER BUSINESS:

1.(a) Petition for appeal of a decision of the Architectural Review Board for a Certificate of Appropriateness, filed by Dana A. Walker, General Manager, H & W Properties, LLC, with regard to property located at 702 Marshall Avenue, S. W. Dana A. Walker, Spokesperson. P 232

(b) Recommendation of the Architectural Review Board that Council affirm its decision to deny issuance of a Certificate of Appropriateness in connection with the above referenced property. Robert N. Richert, Chair, Architectural Review Board. P 264

C. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

THE COUNCIL MEETING WILL STAND IN RECESS UNTIL FRIDAY, AUGUST 22, 2003, AT 9:30 A.M., AT THE ROANOKE VALLEY RESOURCE AUTHORITY COMMUNITY ROOM, 1020 HOLLINS ROAD, N. E., FOR A JOINT MEETING OF ROANOKE CITY COUNCIL AND THE ROANOKE COUNTY BOARD OF SUPERVISORS, FOR AN UPDATE ON THE PROPOSED REGIONAL WATER AND SEWER AUTHORITY.

**MOTION AND CERTIFICATION
WITH RESPECT TO
CLOSED MEETING**

FORM OF MOTION:

I move, with respect to any Closed Meeting just concluded, that each member of City Council in attendance certify to the best of his or her knowledge that (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by the members of Council in attendance.

PLEASE NOTE:

1. The forgoing motion shall be made in open session at the conclusion of each Closed Meeting.
2. Roll call vote included in Council's minutes is required.
3. Any member who believes there was a departure from the requirements of subdivisions (1) and (2) of the motion shall state prior to the vote the substance of the departure that, in his or her judgement, has taken place. The statement shall be recorded in the minutes of City Council.

Office of the Mayor

CITY OF



ROANOKE

Proclamation

WHEREAS, *the Roanoke Valley has had a long and mutually beneficial relationship with Virginia Tech and its alumni and supporters, and the Roanoke Valley is home to many thousands of Virginia Tech alumni and friends; and*

WHEREAS, *Virginia Tech has brought positive attention to Southwest Virginia in academics, research and athletics, and the City of Roanoke takes pride in the accomplishments of the University; and*

WHEREAS, *the Virginia Tech Hokie Club and the Virginia Tech Alumni Association are local chapters of the national organizations based in Blacksburg, Virginia, which were formed to provide alumni and friends of the University with organizations through which they can support athletic and academic endeavors of Virginia Tech; and*

WHEREAS, *the Virginia Tech Hokie Club and the Virginia Tech Alumni Association will promote Friday, August 29, 2003, as the fourth annual "Hokie Pride Day", in order to allow supporters to demonstrate their Hokie pride by wearing Hokie colors, displaying flags, stickers, and messages of support, and by providing various business promotional incentives.*

NOW, THEREFORE, I, *Ralph K. Smith, Mayor of the City of Roanoke, Virginia, do hereby proclaim Friday, August 29, 2003, throughout this great All-America City, as*

HOKIE PRIDE DAY.

Given under our hands and the Seal of the City of Roanoke this eighteenth day of August in the year two thousand and three.

ATTEST:

*Mary F. Parker
City Clerk*



*Ralph K. Smith
Mayor*

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

July 7, 2003

9:00 a.m.

The Council of the City of Roanoke met in regular session on Monday, July 7, 2003, at 9:00 a.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended; and pursuant to Resolution No. 36193-010603 adopted on January 6, 2003, which changed the time of commencement of the regular meeting of Council to be held on the first Monday in each month from 12:15 p.m. to 9:00 a.m.

PRESENT: Council Members Beverly T. Fitzpatrick, Jr., C. Nelson Harris, William D. Bestpitch, M. Rupert Cutler and Mayor Ralph K. Smith-----5.

ABSENT: Council Members Alfred T. Dowe, Jr., and Linda F. Wyatt-----2.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

COMMITTEES-CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of the Mayor to convene in Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Bestpitch, Cutler and Mayor Smith-----5.

NAYS: None-----0.

(Council Members Dowe and Wyatt were absent.)

CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss a special award, being the Shining Star Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended, was before the body.

Mr. Cutler moved that Council concur in the request of the Mayor to convene in a Closed Meeting as above described. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Bestpitch, Cutler and Mayor Smith-----5.

NAYS: None-----0.

(Council Members Dowe and Wyatt were absent.)

PURCHASE/SALE OF PROPERTY-CITY PROPERTY-CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss the disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to §2.2-3711(A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of the City Manager to convene in Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Bestpitch, Cutler and Mayor Smith-----5.

NAYS: None-----0.

(Council Members Dowe and Wyatt were absent.)

PURCHASE/SALE OF PROPERTY-CITY PROPERTY-CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Cutler moved that Council concur in the request of the City Manager to convene in Closed Meeting as above described. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Bestpitch, Cutler and Mayor Smith-----5.

NAYS: None-----0.

(Council Members Dowe and Wyatt were absent.)

Council Member Dowe entered the meeting.

CITY ATTORNEY-CITY COUNCIL: A communication from the City Attorney requesting that Council convene in a Closed Meeting for consultation with legal counsel regarding a specific legal matter requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711(A)(7), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of the City Attorney to convene in Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Wyatt was absent.)

At 9:05 a.m., the Mayor declared the meeting in recess for one Closed Session.

(Council Member Wyatt entered the meeting during the Closed Session.)

The Council meeting reconvened at 12:00 noon in Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor Smith presiding, and all Members of the Council in attendance.

ITEMS LISTED ON THE 2:00 P.M. COUNCIL DOCKET REQUIRING DISCUSSION, AND ADDITIONS/DELETIONS TO THE 2:00 P.M. DOCKET:

The City Manager advised that it was intended to engage in a briefing on the employee survey; however, the individual from Virginia Tech who was to provide the briefing was unable to be present; whereupon, it was the consensus of Council that the briefing would be deferred until a later date.

It was also agreed that in view of time constraints, the Fair Housing Ordinance and Williamson Road Improvements briefings would be held today, and all other briefings which were listed on the agenda would be deferred until a later date.

The Mayor referred to a report of the Human Services Committee submitting funding recommendations for fiscal year 2003, and inquired if the City of Roanoke plans to continue funding of Planned Parenthood of Blue Ridge. If so, he stated his intent to vote against the budget ordinance at the 2:00 p.m. Council session.

Mr. Cutler requested a printed copy of all grants and grant recipients to be funded through the Human Services Committee.

Ms. Wyatt advised that concern has been expressed by a citizen that Council did not follow its rules of procedure when, on Monday, June 16, 2003, it removed from the table a resolution reconstituting the Roanoke Neighborhood Partnership Steering Committee and establishing the Roanoke Neighborhood Advocates. She advised that pursuant to the motion adopted by Council on Monday, June 2, Council tabled the resolution for at least 30 days to allow time for input by the Presidents Council; therefore, she stated that she would move for a reconsideration of the resolution at the 2:00 p.m. session of the Council.

**TOPICS FOR DISCUSSION BY THE MAYOR AND MEMBERS OF COUNCIL:
NONE.**

**AGENDA ITEMS FOR THE AUGUST 4, 2003 JOINT MEETING OF COUNCIL
AND THE SCHOOL BOARD:**

Council Member Cutler requested that the agenda include an item in connection with a projected timetable for completion of all neighborhood plans.

BRIEFINGS:

HOUSING/AUTHORITY: Rolanda Russell, Assistant City Manager for Community Development, advised that in June, 2003, the Fair Housing Board was provided with a copy of a proposed draft of revisions to the Fair Housing Ordinance; and Board members were asked to review the draft ordinance and submit suggestions for consideration to the City Attorney's Office. She further advised that the City Attorney's Office received seven suggested additions to the ordinance; and two of the suggestions, the inclusion of gays and lesbians to the list of protected classes and provision of a fine for failure of real estate brokers and others in the housing business to post nondiscrimination notices, have been determined to be legally impermissible by the City Attorney's Office. She stated that remaining suggestions primarily involve a greater role for Board members in the Secretary to the Fair Housing Board's determination of whether a fair housing violation has occurred and the decision to conciliate a fair housing dispute. She advised that the decision of whether to incorporate the Board's suggestions into the proposed Fair Housing Ordinance rests entirely within the discretion of Council.

The following is a summary of changes that the Fair Housing Board has requested to the current draft of the new Fair Housing Ordinance; and strikethroughs indicate the current wording of the ordinance that is to be deleted and the italicized wording indicates language to be added to the current ordinance:

"1. Section 16-150 — The Board wants to add the following provision to Section 16-150 below:

"3. Failure to post notice and abide by this policy shall result in the following;

1. A warning shall be given the first time violation and given thirty days to post notice.

2. For each violation thereafter there shall be a fine in the amount of \$250.00 payable to housing services and given 30 days to post notice."

§16-150. Notice to be posted by real estate brokers and others in housing business.

Every real estate broker and every other person in the business of developing, selling, renting or leasing housing, including every person who operates a multi-unit residential building containing more than ~~two (2)~~ 4 units, except a personal residence, shall post, in a conspicuous location in that portion of his housing business normally used by him for negotiating the sale, rental or leasing of housing, a notice that contains the following language, printed in black on a light colored background, in not less than fourteen (14) point type:

"It is contrary to public policy and to the intent of the Fair Housing Ordinance of the City of Roanoke, Virginia, for any person to:

"1. Deny housing accommodations to any person because of race, color, religion, national origin, sex, age, *familial status*, *elderliness*, *handicap*, or marital status;" or

"2. Discriminate against any person because of *race*, *color*, religion, national origin, sex, age, *familial status*, *elderliness*, *handicap* or marital status with respect to the terms, conditions or privileges of housing accommodations or in the furnishing of facilities or services in connection therewith.

2. Section 16-173(b) — The Board wants to add "and Secretary" after Council" in subsection (b) below:

§16-173. General powers with respect to investigations, hearings, etc. Responsibilities of the board.

~~In making the investigations, pursuing conciliation and persuasion and conducting hearings, pursuant to this division, the board shall have authority to hear testimony under oath, to make findings of fact and issue decisions and warnings in accordance with the provisions of this article, and to make and adopt and publish such rules of procedure as may be necessary or proper for carrying out its functions under the provisions of this article.~~

(a) The board shall provide information to the public concerning Federal, State and City fair housing laws.

(b) The board shall advise City Council about the nature, causes, and possible solutions to fair housing issues.

(c) The board shall make tenants and landlords aware of the resources of the board, and the authority of its secretary to conciliate fair housing complaints.

3. Section 16-174 — The Board wants to add the following after "proceedings" in section 16-174 below: "advising, notifying members of meeting, setting agenda, serves as resource, provide and organize training, and to help plan activities of the board"

§16-174. Administrator generally. Secretary to the board.

~~There shall be an administrator of secretary to the board, not a member of the board, who shall be appointed by the city manager and who. The administrator or shall serve as secretary of the board and shall be responsible for keeping the records of the board's proceedings. The position of the administrator shall be included in the pay and classification plan of the city and subject to the provisions of the city's personnel ordinances and regulations. The administrator secretary to the board~~ may be a person otherwise employed by the city and the duties of the administration of this article may be assigned in addition to other duties.

4. Section 16-176 (a) — The Board wants to add "members of the fair housing board" instead of "chair" in section 16-176(a) below.

§16-176. General procedure on complaints for discriminatory practices; conciliation and consent agreements.

(a) A complaint alleging the commission of a discriminatory housing practice, in writing and sworn to or affirmed, may be filed with the ~~administrator of secretary~~ to the board by the complainant. Such a complaint shall state the name and address of the complainant and of the person or persons against whom complaint is made and shall also state the alleged facts surrounding the alleged commission of a

discriminatory housing practice, the date the discriminatory housing practice was allegedly committed and such other information as the board, by regulation, may require. Upon receipt of such complaint, the ~~administrator of secretary~~ to the board shall furnish a copy of the same to the person who allegedly committed, or is about to commit, the alleged discriminatory housing practice and to the chair of the board. For the protection of the privacy of the individuals involved, in personal matters, every complaint shall be held in confidence ~~by the board, its administrator and employees~~, unless and until the complainant and the person complained against consent to its being made public. ~~or until a hearing, as described in sections 16-177 and 16-178, is begun.~~ No complaint shall be filed more than ~~thirty (30) days~~ *one (1) year* after the date of the alleged discriminatory housing practice.

5. Section 16-176 (d) — The Board wants to add "...and retained in fair housing records. Before any conciliatory action is taken by the Secretary it should be brought before the board" after "filed with the board."

Any conciliation agreement arising out of such conciliation shall be an agreement between the respondent and the complainant, ~~and shall be subject to approval by the board.~~ *A copy of the agreement shall be filed with the board.*

6. Section 16-177 — The Board wants to add "with the board concurrence" after "secretary."

§16-177. Procedure when ~~administrator~~ *secretary to the board* finds lack of grounds for complaint.

If the ~~administrator of~~ *secretary to* the board determines that a complaint filed under section 16-176 lacks reasonable grounds upon which to base a violation of this article, ~~he~~ *the secretary to the board* shall give written notice of such determination to the complainant, the person complained against and the board. ~~The notice shall also state that the complaint will stand dismissed unless, within twenty (20) days after mailing of such notice, the complainant files with the board in writing a request for a hearing by the board. Upon the filing of request for such hearing, the administrator of the board shall immediately mail a copy of such request to the person complained against, together with~~

~~notice of the time and place fixed by the board for such hearing. Thereafter, and at such time, the board shall afford the parties and opportunity to appear before the board in person or by counsel. Upon such hearing, the board may, in its discretion, dismiss such complaint or determine that there are reasonable grounds to believe the alleged violation of this article has occurred.~~

7. The Board also questioned whether the City could add gays and lesbians to the list of protected classes."

Ms. Russell called upon David L. Collins, Assistant City Attorney, to review suggestions of the Fair Housing Board.

1. Section 16-150 — The Board wants to add the following provision to Section 16-150:

"3. Failure to post notice and abide by this policy shall result in the following:

1. A warning shall be given the first time violation and given 30 days to post notice.

2. For each violation thereafter there shall be a fine in the amount of \$250.00 payable to housing services and given 30 days to post notice."

The Assistant City Attorney advised that according to State Code it is not legally permissible to add a \$250.00 penalty for non-compliance; whereupon, Ms. Wyatt suggested that the matter be referred to the City's Legislative Committee.

2. Section 16-173(b) — The Board wants to add "and Secretary" after "Council" in subsection (b) below:

(b) The board shall advise City Council about the nature, causes, and possible solutions to fair housing issues.

Mr. Collins advised that there is no legal problem in making the change, which is at the discretion of Council.

3. Section 16-174 — The Fair Housing Board would like to add the following after "proceedings": "advising, notifying members of meeting, setting agenda, serves as resource, provide and organize training, and to help plan activities of the Board".

Mr. Collins advised that the current revised draft ordinance provides that there shall be a secretary to the Board, who is not a member of the Board, who shall be appointed by the City Manager, and who shall serve as Secretary to the Board and be responsible for keeping the records of Board proceedings, which essentially provides that the secretary will keep minutes of the meetings; however, the Fair Housing Board would like to expand the responsibilities to provide that the secretary will be responsible for advising and notifying members of meetings, setting agendas, serving as a resource, providing organized training and helping to plan activities of the Board.

Ms. Russell advised that the City Administration would have no objection to the suggestion. She called attention to discussion by the Fair Housing Board that the title of secretary be changed, although no recommendations were offered by the Board. The City Manager advised that secretary is a common title used for numerous staff functions to boards and commissions; i.e.: Architectural Review Board, City Planning Commission, Board of Zoning Appeals, etc.

Section 16-176 (d) — The Fair Housing Board would like to add "members of the fair housing board" instead of "chair" .

Mr. Collins explained that the item pertains to conciliation agreements; the secretary has the power under the wording of the proposed draft of ordinance to investigate a dispute, and if the secretary believes the matter is worthy of discussion between the groups, the secretary can arrange for the parties to try and conciliate the matter. He stated that current wording provides that upon receiving a complaint, the secretary shall furnish a copy of the complaint to the person who allegedly committed the discrimination and to the Chair of the Fair Housing Board; however, the Board wishes to provide that the new ordinance will require that a copy of the complaint will be given to not only the Chair, but to other members of the Board. He stated that the City Attorney's Office has taken no position on the matter which is within the discretion of the Council.

The Assistant City Manager for Community Development advised that the City Manager has no objection to the suggestion.

5. Section 16-176 (d) — The Fair Housing Board would like to add "... and retained in fair housing records. Before any conciliatory action is taken by the secretary it should be brought before the board" after "filed with the board".

Mr. Collins advised that the ordinance currently provides that any conciliation agreement arising out of such conciliation shall be an agreement between the respondent and the complainant and a copy of the agreement shall be filed with the Board; the Fair Housing Board's suggestion is to add the following, "a copy of the agreement shall be filed with the Board and retained in the Fair Housing records and before any conciliatory action is taken by the Secretary, it should be brought before the Board." He stated that the City Attorney's Office has no comment on the suggestion which is within the discretion of Council.

Ms. Russell advised that the conciliatory section should be shared with the Fair Housing Board, as opposed to being brought before the Board, because if there is a problem in terms of establishing a board meeting and/or establishing a quorum in order to make a decision, the conciliation process could be delayed. She proposed that there be further evaluation of the process.

6. Section 16-177 — The Board would like to add "with the board concurrence" after "secretary."

Mr. Collins advised that this section pertains to that which the secretary finds lack of grounds for a complaint, in which case the secretary will make a written determination and forward to the affected parties; the Board would like to have input into whether a matter may or may not be considered; therefore, rather than the secretary solely making the decision of whether or not a matter may be conciliated, the Fair Housing Board will have input into the decision.

Ms. Russell advised that under the current ordinance, the administrator (secretary) would make the decision solely, therefore, it would be wise to ensure that there is some communication between the secretary and the board, but not necessarily have to wait until the board meets to have input.

There was discussion as to the feasibility of adding additional language to provide that the secretary will report back to the Fair Housing Board on any actions on complaints that have been reviewed or considered, which will allow the Board to stay abreast of and to decide whether it wants to consider any policy issue, and would enable the focus on the Board to remain a policy function primarily; and if the Board is kept informed on a regular basis of the types of activities that have been occurring and if the Board believes that policy needs to be changed in some way to better address cases individually, it would be the Fair Housing Board's prerogative to do so.

The City Manager advised that the proposed amendments attempt to place more emphasis on education relative to the City's fair housing policy, since the State organization is responsible for hearing official complaints; and the goal is that the secretary would attempt to resolve an issue on an informal basis so that the issue never has to be sent to the State office, to cause parties to come together in an effort to understand the law, and to resolve issues through education. She expressed caution insofar as setting policy because policy is established at the State and Federal levels in terms of what constitutes a violation and what is fair housing law.

The City Manager further clarified that if the complaint cannot be dealt with in an informal way by the secretary, it must be filed in an official manner with the appropriate State office, therefore, the proposed ordinance will not establish policy. She stated that through revisions, City staff has tried to clarify the appropriate role of the local Fair Housing Board, which is primarily education; however, the ordinance does offer the opportunity for the secretary to resolve issues on an informal basis, but if those issues cannot be resolved, they must be referred to the State.

There was discussion with regard to an appeals process which is currently not provided for; whereupon, the Assistant City Manager for Community Development advised that the State currently has the authority; Council previously stated that it did not want a duplication of services on a local level; and if an appeals process is provided for, the local Fair Housing Board would find itself involved in a State function.

The City Manager advised that including the conciliation component represents a kind of compromise; there has been only one case in approximately 20 years when it was necessary to officially go through a hearing process which was a quasi-legal process; and she called attention to situations where the City has advised citizens regarding the landlord/tenant laws.

7. The Fair Housing Board also questioned whether the City could add gays and lesbians to the list of protected classes.

The Assistant City Attorney advised that the Attorney General has rendered a negative ruling on the issue.

Ms. Russell advised that City staff will meet with the Fair Housing Board on July 28, at which time, Council's comments will be shared with the Board, with the goal of bringing a revised ordinance to Council for consideration in the near future.

Ms. Russell also advised that the Fair Housing Board will present its Annual Report to the Council on Monday, July 21, 2003.

TRAFFIC: Kenneth H. King, Manager, Streets and Traffic, presented a briefing on Williamson Road improvements.

Mr. King stated that the information he would present has not changed since the previous Council briefing on March 3, 2003. He advised that Williamson Road consists of five lanes, two lanes in each direction, and a continuous right turn lane in the northbound direction; concerns have been expressed with regard to an accident problem with vehicles turning left, therefore, it is proposed to create a left turn lane; and concerns have also been expressed about the speed of traffic and the general appearance of the roadway, etc. He referred to the previous concept as presented to Council on March 3 to create a five lane section, with two lanes in each direction and a center turn lane at certain key points, and a landscaped median throughout the center area. He explained that there have been some minor modifications since March 3, at which time Council agreed with the concept and instructed staff to share the information in the form of an open house with the community for input. He noted that over 200 letters of invitation were hand delivered to persons/businesses along the Williamson Road corridor, and the meeting was advertised by the Williamson Road Action Forum (WRAF) and the Williamson Road Area Business Association (WRABA), and flyers were hand delivered to every property that fronted on Williamson Road, or within one block of Williamson Road. He advised that only nine persons attended the open house, with representation by WRABA and WRAF, the Airlee Court Neighborhood Association, communications were submitted by Bill Tanger, representing Farrell property interests, and Ben Burch and Steve Caldwell, representing the Airlee Court neighborhood. He stated that feedback from the neighborhood was that most persons preferred a treatment of the corridor throughout its entirety; and at one time there was discussion with regard to addressing Christian Avenue south at the southern end as a demonstration project; however, in a further review, City staff believes that if one considers the fact that the entire roadway currently needs to be repaired and installation of median islands in the middle of the roadway will disturb pavement around the islands, it would be wise to pave the road throughout its entirety, which is the recommendation that staff intends to submit to the Council. He commented that it is also believed that mature growth trees are critical to create the environment and the atmosphere that is desired for the area.

Mr. King reviewed a design with landscaping and landscape improvements. He advised that other citizen/business input involved concerns about median locations and the impact on businesses; and the stamped median as shown in the

concept plan will be similar to asphalt stamped like a brick design and painted a brick color to create more of a calming or softening effect of the corridor. He noted that if cost is a factor, the asphalt stamping could be the first thing to go; those persons who provided input believed that the landscaped medians were the most critical component of the plan and should remain in place; and, taking into consideration all cost factors, public input was to proceed with the stamped crosswalk marking at the intersections and address the marking at the median if funds allow.

Mr. King explained that once the road is shifted into the new lane configuration, the area to be landscaped will be coned off or barricaded with a sign that says, "Future Landscaped Island", because with the limited number of persons who attended the open forum and provided input, questions will be generated, and the sign will cause the general public to take notice and make inquiries, which will then provide the opportunity for City staff to respond, and, depending on feedback, move forward with construction. He called attention to scheduling issues with Roanoke Gas Company, who identified at the beginning of this year that they planned to embark upon a major gas line replacement from Angell Avenue to Hershberger Road through mid September, which will require that the Williamson Road project be coordinated around the Gas Company's schedule.

At this point, Mr. King indicated that current pavement markings can be eliminated and shift to new pavement markings, and median areas can be barricaded, pending feedback from the public.

Question was raised as to whether a procedure is in place for the City to know when and where work is to be done by utility companies; whereupon, the City Manager advised that Roanoke Gas Company has provided the City with its schedule for the next ten years. She referred to a later briefing on the proposed pavement cut/utility cut policy by the City Engineer, and if Council concurs in the recommendation of staff, the City will require utility companies in the future, when a newly resurfaced roadway is disturbed with a cut, to repave the entire section of the roadway, which will be a major departure from past procedure, and will be more expensive, both to contractors and to the City, because the City will be required to follow the same policy with City utility cuts. She advised that the City is doing a much better job of coordinating its own utilities.

Mr. King advised that Roanoke Gas Company provided input in the preparation of the City's annual street paving program. He explained that the City is accomplishing more improvements on roadways than Roanoke Gas Company can keep up with, so there will be conflicts simply by nature of the fact that work is being done all over the City.

In closing, Mr. King advised that the next steps in the process include the receipt of feedback from the public, if feedback is significant, another open house could be held, along with individual meetings, and it is hoped to address issues raised by the public and to proceed with the project following concurrence by Council.

A concern was raised as to confusion by motorists in maneuvering through the cones/barricades that were placed on Memorial Bridge, and it was suggested that tape be used on Williamson Road from cone to cone so that motorists will not drive between the cones. Mr. King advised that most likely barrels will be used on Williamson Road which will be easier to maneuver.

Question was raised as to the timetable for addressing the traffic patterns on Brandon Avenue and Mudlick Road, S. W.; whereupon, Mr. King advised that the topic is scheduled for more indepth discussion at a later time; however, meetings have been held to address the Brandon Oaks and Stratford Park Apartments traffic concerns with regard to alternatives for a common access for development properties at one point, including signalization, and landscaping on either side of the roadway. He stated that the biggest challenge will be in terms of cost, inasmuch as installation of landscape medians for the length of the road is estimated at approximately \$209,000.00, stamping of crosswalks at approximately \$17,500.00, and resurfacing cost, which is a part of the City's routine maintenance funding, is about \$174.00 per linear foot.

The City Manager advised that in addressing the Williamson Road, Brandon Avenue and Grandin/Brandon areas, it became obvious that for the future, it will be necessary to allocate annual funds within the City's operating budget, in addition to the capital program, in order to accomplish more traffic calming, median landscaping, etc. She added that the Mudlick/Brandon/Grandin areas are fairly new developments in terms of the Council's agenda, design funds were set aside and it is believed that sufficient funds have been appropriated for the Williamson Road project and a portion of the Brandon Avenue area; however, it may be necessary to request additional allocation of funds by Council, specifically for Brandon Avenue at Mudlick Road and Edgewood Street, depending on how receptive property owners are to making a change at that location.

There was discussion with regard to the appearance of the asphalt stamping, the procedure for imprinting the surface, durability of the surface, traffic pattern from Angell Avenue to Hershberger Road, a hazardous traffic condition in front of If-Its-Paper, where motorists back out of the parking lot into oncoming Williamson Road

traffic, landscape maintenance costs, and whether funds are available to assist private businesses in the refurbishment of their properties, such as If Its Paper, in order to reconfigure the parking area to prevent motorists from backing out of the parking lot into Williamson Road.

An observation was made by one Member of Council that parking needs should be addressed in the 2020 Comprehensive Plan process, City staff should develop ways to help businesses manage traffic issues, and Council should develop an overall sense of direction for City staff, such as making traffic issues a condition to zoning/rezoning of property.

Question was raised if the Hill Studio plan for Williamson Road was taken into consideration in connection with traffic reconfiguration; whereupon, it was stated that the Hill Studio plan, as well as the Comprehensive Plan, were taken into consideration, and the recommendation before Council represents a kind of consensus of both plans. The City Manager advised that City staff is currently preparing a Williamson Road Area Neighborhood Plan which will contain the best of the Hill Studio Plan, along with input from the neighborhood.

At 1:10 p.m., the Mayor declared the meeting in recess for continuation of the Closed Sessions that were previously approved by the Council.

At 1:55 p.m., the Mayor declared the meeting in recess until 2:00 p.m., in the Council Chamber.

At 2:00 p.m., on Monday, July 7, 2003, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building , 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Smith presiding.

PRESENT: Council Members Alfred T. Dowe, Jr., C. Nelson Harris, Linda F. Wyatt, William D. Bestpitch, M. Rupert Cutler, and Mayor Ralph K. Smith-----6.

ABSENT: Council Member Beverly T. Fitzpatrick, Jr.-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend Veronica Venable, Staff Minister, Harvest Ministries, Church of God of Prophecy.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

ORGANIZATIONAL MEETING

CITY COUNCIL: The Mayor advised that the first meeting of Council in the month of July is considered to be the organizational meeting at which time the Council will adopt a resolution establishing the days, times and places of regular meetings to be held by the Council during the ensuing months; whereupon, Mr. Dowe offered the following resolution:

(#36414-070703) A RESOLUTION establishing a meeting schedule for City Council for the Fiscal Year commencing July 1, 2003, and terminating June 30, 2004, and rescheduling one regular meeting to be held in the month of October, 2003.

(For full text of Resolution, see Resolution Book No. 97, page 481)

Mr. Dowe moved the adoption of Resolution No. 36414-070703. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

REGULAR SESSION

PRESENTATIONS AND ACKNOWLEDGEMENTS:

SCHOOLS-DECEASED PERSONS: Mr. Cutler offered the following resolution expressing sympathy upon the passing of Samuel P. McNeil, former Roanoke City School Board Chair and former President of the Patrick Henry High School P.T.A., who passed away on June 20, 2003:

(#36412-070703) A RESOLUTION memorializing the late Samuel P. McNeil, former Roanoke City School Board Chairman and a former President of Patrick Henry High School P.T.A.

(For full text of Resolution, see Resolution Book No. 97, page 478.)

Mr. Cutler moved the adoption of Resolution No. 36412-070703. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent)

A moment of silence was observed in memory of Mr. McNeil.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, of forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.

MINUTES: Minutes of the special meeting of Council held on Monday, May 12, 2003, and the regular meeting held on Monday, May 19, 2003, were before the body.

(For full text, see Minutes on file in the City Clerk's Office.)

Mr. Cutler moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

COMMITTEES-ROANOKE NEIGHBORHOOD PARTNERSHIP (ROANOKE NEIGHBORHOOD ADVOCATES): A communication from Council Member William D. Bestpitch, Member, Ad Hoc Steering Committee, to study the role and responsibilities of the Roanoke Neighborhood Partnership Steering Committee, advising that on June 16, 2003, Council adopted a resolution authorizing reconstitution of the Roanoke Neighborhood Partnership Steering Committee as the

Roanoke Neighborhood Advocates; and the measure further provides that Council is authorized to select seven of the initial appointees, five of whom shall be from the current membership of the Roanoke Neighborhood Partnership Steering Committee, was before the body.

Mr. Bestpitch further advised that on June 16, Council appointed six of the seven initial appointees; however, no reference was made to their terms of office; therefore, with the concurrence of Council, he proposed the following staggered terms of office, and following completion of the initial terms of office, reappointments shall be for three year terms:

Joseph A. Schupp	-	Three Years
Bob R. Caudle	-	Three Years
Robin Murphy-Kelso	-	Two Years
Carl D. Cooper	-	Two Years
Richard J. Nichols	-	One Year
Shirley M. Bethel	-	One Year

Mr. Cutler moved that Council concur in the communication. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

EASEMENTS-BUILDINGS/BUILDING DEPARTMENT-NEWSPAPERS-CENTER IN THE SQUARE: A communication from the City Manager requesting that Council schedule a public hearing for Monday, July 21, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to encroachments into the public right-of-way of modular newsracks at Center In The Square and the Sun Trust Building, was before the body.

The City Manager advised that pursuant to requirements of the Code of Virginia (1950), as amended, the City is required to hold a public hearing on proposed encroachments into public rights-of-way.

Mr. Cutler moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

LEASES-WATER RESOURCES: A communication from the City Manager requesting that Council schedule a public hearing for Monday, July 21, 2003, at 7:00 p.m. or as soon thereafter as the matter may be heard, on a request to enter into a new lease agreement with Nextel WIP Lease Corp., a Delaware general partnership, d/b/a Nextel Partners, to lease a portion of the Summit Water Tank and ground site, was before the body.

It was explained that Nextel WIP Lease Corp. has submitted a request to lease a portion of the Summit Water Tank and ground site, which is located in the area of 4500 Franklin Road, S. W., at the end of Summit Way Drive, Official Tax No. 5380121, for the purpose of installing directional antennas, connecting cables and appurtenances; in order to lease the property, a new lease agreement is required, as well as a public hearing; terms and conditions of the lease will be in accordance with the City of Roanoke Policy regarding Wireless Telecommunication Facilities located on City property dated January 21, 1997; and lease term shall be for four years, commencing on August 1, 2003 and expiring on July 31, 2007, and may be renewed for up to two five year terms, upon mutual agreement by the parties involved.

Mr. Cutler moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

AUDIT COMMITTEE: Minutes of a meeting of the Audit Committee Planning Session which was held on Monday, June 2, 2003, were before the body.

Topics of discussion include: Internal Audit Report, Clerk of the Circuit Court Accounts Payable, Civic Center, Child Day Care, Operations Center, Billings and Collections, Cash and Inventory Counts, Engagement Letter- Roanoke City Public Schools.

Mr. Cutler moved that the Minutes be received and filed. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

PENSIONS: A communication from the Director of Finance advising that Council was briefed on restatement of the City's Pension Plan in May 2002; pension plans, such as the City of Roanoke's, are required to meet certain guidelines to receive favorable tax status; periodically, plans must be requalified to assure that they have incorporated tax law changes, as well as other potential changes in Federal guidelines; the City of Roanoke Pension Plan received a favorable letter of determination from the Internal Revenue Service (IRS), dated May 28, 2003, stating that it has determined that the Plan continues to be qualified in form under the Internal Revenue Code; and the determination applies to the restatement adopted by Council on May 20, 2002, was before the body.

It was further advised that the IRS letter concludes that the Plan meets applicable requirements of the Code as amended by the collection of laws referred to as "GUST" (consisting of Uruguay Round Agreement Act ("GATT"), the Uniformed Service Employment and Reemployment Rights Act of 1994 ("USERRA"), the Small Business Job Protection Act of 1996 (the "SBJP Act"), the Taxpayer Relief Act of 1997 ("TRA '97"), the Internal Revenue Service Reform and Restructuring Act of 1997 ("RRA '98"), and the Community Renewal Tax Relief Act of 2000 ("CRA"); the IRS letter does not address law changes made by the Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA"), or the Job Creation and Workers Assistance Act of 2002 since the IRS has not opened up the determination letter process for those changes and may not do so until as late as 2005; and nevertheless, as required by EGTRRA, the Plan has been amended in good faith for the EGTRAA changes required by June 30, 2003, which provisions were included in the 2002 restatement.

Mr. Cutler moved that the communication be received and filed. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

OATHS OF OFFICE-PARKS AND RECREATION-COMMITTEES-YOUTH-LIBRARIES-GREENWAY SYSTEM:

The following reports of qualification were before Council:

W. Richard Clemmer, Jr., as a member of the Youth Services Citizen Board, for a term ending May 31, 2006;

James Settle as a member of the Parks and Recreation Advisory Board, for a term ending March 31, 2006;

Michael L. Ramsey as a member of the Roanoke Public Library Board, for a term ending June 30, 2006; and

Lucy R. Ellett as a member of the Roanoke Valley Greenway Commission, for a term ending June 30, 2006.

Mr. Cutler moved that the report of qualification be received and filed. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

COMMITTEES-ROANOKE NEIGHBORHOOD PARTNERSHIP (ROANOKE NEIGHBORHOOD ADVOCATES): Ms. Wyatt called attention to Resolution No. 36397-061603 adopted by Council on June 16, 2003, which reconstituted the Roanoke Neighborhood Partnership Steering Committee as the Roanoke Neighborhood Advocates. She explained that in making his motion at the Council meeting on Monday, June 2, 2003, Council Member Dowe stated that the resolution should be tabled for a period of at least 30 days to provide time for input by the Presidents Council; however, in acting on the resolution on Monday, June 16, Council did not abide by the intent of Mr. Dowe's motion. Therefore, Ms. Wyatt moved that Resolution No. 36397-061603 be reconsidered, in order for the Council to be in compliance with its previous motion. The motion was seconded by Mr. Cutler and adopted.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter; whereupon, Ms. Estelle McCadden, 2128 Mercer Avenue, N. W., spoke in support of reconsideration of the resolution so that Council will be in compliance with its rules of procedure. She stated that she had no opposition to the intent of the resolution establishing the Roanoke Neighborhood Advocates, but she was concerned that Council had not followed its motion as adopted on June 2.

Question was raised as to the status of Resolution No. 36397-061603 inasmuch as the measure has been moved for reconsideration by the Council; whereupon, the City Attorney advised that Council may repeal the resolution adopted on June 16, which has an effective date of July 1, 2003, and readopt a resolution including a later effective date.

Following further discussion and clarification by the City Attorney, it was advised that Council officially removed Resolution No. 36397-061603 from the table at its meeting on Monday, June 16, 2003, and the measure was properly enacted by the Council on June 16 and will take effect on July 1, 2003 unless Resolution No. 36397-061603 is repealed and another resolution is adopted by the Council.

It was noted that the purpose of Mr. Dowe's motion on June 2 was to allow an opportunity for the issue to be presented at the Presidents Council prior to the Council acting on the resolution; the matter was before the Presidents Council prior to adoption of the resolution by Council on June 16, and the Presidents Council adopted a motion stating that it had no objection to the proposed resolution establishing the Roanoke Neighborhood Advocates.

Following further discussion, was the consensus of Council that Resolution No. 36397-061603 would remain in effect as adopted by the Council on Monday, June 16, 2003.

PETITIONS AND COMMUNICATIONS:

AIRPORT-REGIONAL CHAMBER OF COMMERCE: Beth Doughty, President, Roanoke Valley Regional Chamber of Commerce, advised that approximately one year ago, she briefed the Council on 24 tactics to improve the region's economic competitiveness, many of which are currently being addressed, although none have a higher profile than the Campaign For Fair Air Fares, which is an effort to attract a low fare air carrier to the Roanoke Regional Airport. She stated that her role is to build a Pledge Bank, which is an effort by the business community to demonstrate the size of the market in the Roanoke Valley; Air Tran has been targeted as the likely carrier to provide low fare air service to the Roanoke Regional Airport and the Pledge Bank will be presented to Air Tran by Barry Duvahl, former Secretary of Commerce and Trade, and a consultant on the project working with the City of Roanoke and Roanoke County to assist in negotiations. She explained that the goal is to raise \$2 million in pledges from the business community; currently, pledges are at \$1.96 million, with approximately \$40,000.00 to go, and she is confident that the \$2 million goal will be reached, or exceeded in the near future. She called attention to enthusiastic support by the business community, with approximately 75 businesses having made their commitment, and encouraged any business that has not made a pledge to do so as soon as possible. She commended Roanoke City Council and other Roanoke Valley governments who are partners in this effort.

Mayor Smith advised that not only large businesses, but small to medium businesses, individuals and families that travel occasionally are encouraged to make pledges in the \$500.00 to \$1,000.00 range.

Question was raised as to what the \$2 million will buy; whereupon, Ms. Doughty advised that the \$2 million is used in an effort to demonstrate the size of the market in Roanoke, which is difficult to gauge because the amount of leakage out of the market to other airports is not known. She stated that the expressed goal is round trip service to Atlanta, which is the hub of Air Tran, where the airline serves approximately 44 destinations with more than 400 departures per day.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

POLICE DEPARTMENT-CITY CODE-COURTS FACILITY: The City Manager submitted a communication advising that effective July 1, 2002, current City Code Section 1-21 was enabled by State legislation, Section 53.1-120, to allow the City of Roanoke to assess a sum not to exceed \$5.00 as part of costs in each criminal or traffic case in which the defendant is convicted of a violation of any statute ordinance; originally, State legislation contained a July 1, 2004, sunset provision on the \$5.00 fee, which sunset provision is included in the current City Code; and State legislation, effective July 1, 2003, amends Section 53.1-120 of the State Code to remove the July 1, 2004, sunset provision on the \$5.00 fee.

The City Manager recommended that Council adopt an ordinance amending the City Code to reflect elimination of the sunset provision on the \$5.00 fee assessed on cases for courthouse security.

Mr. Harris offered the following ordinance:

(#36415-070703) AN ORDINANCE amending Chapter 1, General Administration, of the Code of the City of Roanoke (1979), as amended, by amending §1-21, Courtroom security assessment, by deleting the sunset provision in §1-21, which section provides, pursuant to §53.1-120, Code of Virginia (1950), as amended, for assessment by the City of a fee to provide funding of courthouse security personnel; providing for an effective date; and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 483.)

Mr. Harris moved the adoption of Ordinance No. 36415-070703. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

BUDGET-FIFTH PLANNING DISTRICT COMMISSION: The City Manager submitted a communication advising that the Fifth Planning District Regional Alliance is an organization which was formed in 1997 to promote the economic competitiveness of this region of Virginia; established through the passage of the Virginia Regional Competitiveness Act in 1996, the Regional Competitiveness

Program enhances economic competitiveness for qualifying regions of the Commonwealth of Virginia; the program is designed to reward existing regional actions and to stimulate new regional activities; and incentive funds established for this purpose are available to localities that carry out new levels of regional economic development and meet established requirements.

It was further advised that the Fifth Planning District Regional Alliance is composed of government, business and educational leaders from throughout the region; the Alliance serves the Counties of Alleghany, Botetourt, Craig, Franklin and Roanoke; the Cities of Covington, Roanoke and Salem; and the Towns of Vinton and Clifton Forge; and staffing and administration for the Alliance is provided by the Roanoke Valley-Alleghany Regional Commission.

It was explained that the Fifth Planning District Regional Alliance is making application to re-qualify as a regional competitiveness partnership under the Virginia Regional Competitiveness Act of 1996; and each participating government in the region must approve a resolution establishing its intent to continue participation in the Regional Alliance and approving the methodology for distribution of incentive funds.

The City Manager recommended that Council adopt a resolution establishing its intent to continue participation in the Regional Alliance and approving the methodology for distribution of incentive funds.

Mr. Dowe offered the following resolution:

(#36416-070703) A RESOLUTION in support of participation in the Fifth Planning District Regional Alliance and support for the distribution mechanism of Regional Competitiveness funds.

(For full text of Resolution, see Resolution Book No. 97, page 485.)

Mr. Dowe moved the adoption of Resolution No. 36416-070703. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

PURCHASE/SALE OF PROPERTY-BUDGET-CITY PROPERTY-DOWNTOWN ROANOKE, INCORPORATED-HOUSING/AUTHORITY: The City Manager submitted a communication advising that City staff is of the opinion that property located at 120 Commonwealth Avenue, N. E., which is a highly visible location, is appropriate for use as a gateway to downtown Roanoke; the Roanoke Redevelopment and Housing Authority (RRHA) has reached an agreement with owners to purchase the property on the City's behalf; and funding, in the amount of \$130,000.00, for the consideration and related expenses is available in Residual Equity Transfer (001-3337), resulting from the previous discontinuation of the Management Services Fund and may be appropriated to a new account entitled "120 Commonwealth Avenue" to be used for purchase of the property.

The City Manager recommended that she be authorized to purchase property identified as Official Tax Nos. 3012825, 3012826, and 3012827, subject to satisfactory environmental site inspection; and appropriate funds from fund balance Account No. 001-3337 to an account to be established by the Director of Finance in the Capital Projects Fund entitled, "120 Commonwealth Avenue".

Mr. Dowe offered the following budget ordinance:

(#36417-070703) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 General and Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 486.)

Mr. Dowe moved the adoption of Ordinance No. 36417-070703. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

Mr. Dowe offered the following ordinance:

(#36418-070703) AN ORDINANCE providing for the acquisition of property located at 120 Commonwealth Avenue, N. E., and identified by Roanoke City Tax Map Nos. 3012825, 3012826 and 3012827, authorizing the proper City officials to execute and attest any necessary documents for this acquisition; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 488.)

Mr. Dowe moved the adoption of Ordinance No. 36418-070703. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

HOUSING/AUTHORITY-GRANTS: The City Manager submitted a communication advising that historically, the Roanoke Redevelopment and Housing Authority (RRHA) has conducted a variety of housing programs using Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funds provided by the City; on October 15, 2002, pursuant to Resolution No. 36096-101502, Council authorized execution of a CDBG and HOME-funded agreement with the RRHA to provide financial assistance for rehabilitation of owner-occupied and rental housing as part of the *Southeast . . . By Design* project and for continuing activities under the RRHA's *Washington Park Housing Enhancement* program, which supports its *Lincoln 2000* project.

It was further advised that in its *Southeast . . . By Design* efforts, the RRHA provides limited emergency and critical repairs through the *Quick Response to Emergencies* and *Critical Assistance Repairs for the Elderly* (CARE) programs; for major rehabilitation needs, the RRHA offers substantial loans to homeowners through its *Consolidated Loan Program*; and *The Washington Park Housing Enhancement* program has been active over the course of the *Lincoln 2000* project and offers major rehabilitation loans to homeowners, as well as development of housing for sale to homebuyers.

The City Manager explained that on May 12, 2003, pursuant to Resolution No. 36326-051203, Council authorized additional funding for the RRHA's *Southeast . . . By Design* and *Washington Park* housing activities by approving the City's 2003-

2004 Consolidated Plan Annual Update for submission to the U. S. Department of Housing and Urban Development (HUD); and Council accepted 2003-2004 CDBG and HOME funds on June 16, 2003, pursuant to Budget Ordinance No. 36377-061603 and Resolution No. 36378-061603, pending receipt of HUD's grant approvals.

It was further explained that in order for the RRHA to conduct housing activities approved in the Consolidated Plan, action by Council is needed; because the *Southeast . . . By Design* and *Washington Park* activities are ongoing projects, it is more efficient financially and programmatically to increase funding and extend the existing agreement than to create a new agreement; necessary CDBG and HOME funding is available; the extended agreement will be valued at \$2,079,662.00, which includes the original funding of \$1,051,162.00, along with the \$870,000.00 in new funds provided for in the 2003-2004 Consolidated Plan and \$158,500.00 in Washington Park funding unexpended from the 2001-2002 agreement; of the total \$2,079,662.00 funding, \$439,112.00 will have been expended by June 30, 2003, leaving \$1,640,550.00 available for activities during the 2003-2004 period; and, in addition, the RRHA is also expected to leverage as much as \$750,000.00 in private rehabilitation financing through its line-of-credit with SunTrust Mortgage.

The City Manager recommended that she be authorized to execute an amendment to the 2002-2003 CDBG/HOME Agreement with the RRHA, to be approved as to form by the City Attorney.

Mr. Dowe offered the following resolution:

(#36419-070703) A RESOLUTION authorizing the appropriate City officials to execute an Amendment to the 2002-2003 Agreement with the Roanoke Redevelopment and Housing Authority and HOME Investment Partnership Program to conduct housing activities using Community Development Block Grant and HOME Investment Partnerships Program funds, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 97, page 489.)

Mr. Dowe moved the adoption of Resolution No. 36419-070703. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

HOUSING/AUTHORITY-GRANTS: The City Manager submitted a communication advising that since 1996, the Blue Ridge Housing Development Corporation (BRHDC) has successfully conducted several housing programs for the City of Roanoke using Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funds; on October 15, 2002, pursuant to Resolution No. 36095-101502, Council authorized execution of a CDBG and HOME-funded agreement with BRHDC to develop housing for new homeownership as part of the *Southeast . . . By Design* project; since that time, BRHDC has been acquiring properties for rehabilitation or new construction; in addition, BRHDC has been working with its architects and with Virginia Tech to prepare attractive, compatible and affordable housing designs; environmental reviews have been completed on the properties acquired and construction bid processes have begun; and actual construction work is expected to extend through June 2004, with up to an additional six months needed thereafter to complete the sale of all homes.

It was further advised that on May 12, 2003, pursuant to Resolution No. 36326-051203, Council authorized additional funding for BRHDC's *Southeast . . . By Design* activities by approving submission of the City's 2003-2004 Consolidated Plan Annual Update to the U. S. Department of Housing and Urban Development (HUD); and Council accepted 2003-2004 CDBG and HOME funds on June 16, 2003, pursuant to Budget Ordinance No. 36377-061603 and Resolution No. 36378-061603, pending receipt of grant approvals from HUD.

It was explained that in order for BRHDC to conduct housing activities approved in the Consolidated Plan, action by Council is needed; because this is an ongoing project, it is more efficient financially and programmatically to extend and increase the funding under the existing agreement than to create a new agreement; necessary CDBG and HOME funding is available; the original agreement was funded at \$698,432.00, of which \$231,000.00 has been expended through June 30, 2003; by extending the agreement, the balance of \$467,000.00 will continue to be available for completing acquisitions and other predevelopment and development costs; as specified in the plan submitted to HUD, a total of \$602,265.00 in new CDBG and HOME funding is to be provided, which will increase overall funding provided under the agreement to \$1,300,697.00, and, in addition, BRHDC is expected to contribute over \$530,000.00 through its line-of-credit and construction loans.

The City Manager recommended that she be authorized to execute Amendment No. 1 to the 2002-2003 CDBG/HOME Agreement with the BRHDC, to be approved as to form by the City Attorney.

Mr. Cutler offered the following resolution:

(#36420-070703) A RESOLUTION authorizing the appropriate City officials to execute Amendment No. 1 to the 2002- 2003 Agreement with the Blue Ridge Housing Development Corporation to conduct housing activities using Community Development Block Grant and HOME Investment Partnerships Program funds, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 97, page 490.)

Mr. Cutler moved the adoption of Resolution No. 36420-070703. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

BUDGET-GRANTS-VIRGINIA CARES: The City Manager submitted a communication advising that the Virginia Community Action Re-entry System, Inc., (Virginia CARES) is a nonprofit organization with its home office in the City of Roanoke, offering extensive experience in offender services; funding has been provided through June 30, 2003, by the Byrne Memorial Formula Grant Program (Byrne Grant), administered by the Department of Criminal Justice Services (DCJS); the grant may be awarded only to a locality and requires a 25 per cent cash match; and the locality must then contract with Virginia CARES to conduct offender services.

It was explained that in January 2003, the City agreed to serve as Grantee and fiscal agent for the Byrne Grant, and the City Manager executed, on behalf of the City, the Virginia CARES Byrne Grant application; the application was successful and the City currently contracts with Virginia CARES to provide pre- and post-incarceration services to offenders to assist with reintegration into the community; and Virginia CARES and its subcontracting agencies are responsible for providing all required matching funds.

It was further explained that on May 8, 2003, the City Manager signed an application submitted by Virginia CARES for \$570,519.00 in Byrne Grant funding to continue the program from July 1, 2003, through June 30, 2004; Virginia CARES and its subcontracting agencies will remain responsible for securing the \$190,173.00 in required matching funds; and a letter notifying the City of grant approval was received from DCJS on June 19, 2003.

The City Manager advised that under the new contract the City will continue to act as fiscal agent and project administrator; Virginia CARES and its subcontractors will continue to perform all day-to-day operational activities, such as service delivery, payroll functions and vendor payments; contract procedures will provide that Byrne Grant funds disbursed to Virginia CARES cannot exceed three times the amount of match expended, in principle avoiding City liability for match shortfalls; however, through its involvement with the grant, the City will assume a level of risk with respect to the actuality of disbursed funds being expended and the allowability of those expenditures; because Virginia CARES operates through a statewide network of 12 offices, it would not be feasible for the City to obtain all source documents for expenditures when disbursing grant funds; and as such, limited reviews of expenditure source documents for allowability and proper support of expenditures can be made by the program manager and staff of the Department of Finance at interim points during the period of the Agreement, prior to program audit.

The City Manager recommended that Council take the following actions:

1. Authorize the City Manager to sign, on behalf of the City, the necessary forms to accept the DCJS Byrne Grant funds;
2. Appropriate \$570,519.00 in Byrne Grant funds and establish a corresponding revenue estimate in accounts established by the Director of Finance in the Grant Fund; and
3. Authorize the City Manager to execute a subgrant agreement with Virginia CARES, Inc., to be approved as to form by the City Attorney.

Ms. Wyatt offered the following budget ordinance:

(#36421-070703) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 491.)

Ms. Wyatt moved the adoption of Ordinance No. 36421-070703. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

Ms. Wyatt offered the following resolution:

(#36422-070703) A RESOLUTION accepting a grant of funds from the Byrne Memorial Formula Grant Program, administered by the Virginia Department of Criminal Justice Services, authorizing the City Manager to execute the requisite documents for such grant, authorizing the City Manager to execute a subgrant agreement with the Virginia Community Action Re-entry System, Inc. ("Virginia CARES"), upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 97, page 492.)

Ms. Wyatt moved the adoption of Resolution No. 36422-070703. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

DOWNTOWN ROANOKE, INCORPORATED-RESIDENTIAL PARKING-CITY CODE: The City Manager submitted a communication advising that the City of Roanoke began issuing Residential Parking Permits for the Downtown Service District (DSD) on May 6, 2003, and a total of five permits have been issued for the DSD since that time; the permit parking program was originally structured to allow residents of a permit area to obtain a permit after presenting their driver's license and vehicle registration, both of which must show that they reside in the permit area; the required documentation currently excludes residents that may be occupying a property as a second home; the City Treasurer's Office has received several requests for permits within the DSD from residents that occupy a DSD property as a second home; due to modest participation in the program thus far and the desire to encourage persons to choose the City of Roanoke (especially downtown) as a

place of residence, it is recommended that the availability of permit parking be extended to those residents that occupy an eligible property as a second home; therefore, a revision to the City Code is recommended to allow expansion of the permit parking program.

The City Manager recommended that Council adopt an ordinance amending Section 20-80 (b), Division 2, Residential Parking Permits, Article IV, Stopping, Standing and Parking, Code of the City of Roanoke (1979), as amended, Chapter 20, Motor Vehicles and Traffic, to change requirements pertaining to documentation that must be presented to obtain a parking permit; the proposed revision will allow other documentation such as utility bills to provide sufficient proof that the applicant occupies a property as a second home; and the City Treasurer administers issuance of the program, therefore, he would determine the adequacy of documentation presented by the applicant.

Mr. Dowe offered the following ordinance:

(#36423-070703) AN ORDINANCE amending Section 20-80 of Division 2 Residential Parking Permits, of Article IV, Stopping, Standing and Parking, Chapter 20, Motor Vehicles and Traffic, Code of the City of Roanoke (1979), as amended, amending the City's residential parking permit system; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 493.)

Mr. Dowe moved the adoption of Ordinance No. 36423-070703. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

PURCHASE/SALE OF PROPERTY-EASEMENTS-WATER RESOURCES: The City Manager submitted a communication advising that Council adopted Ordinance No. 36202-012103 providing for acquisition of property rights needed for construction of the Roanoke Water Pollution Control Plant Wet Weather Project on January 21, 2003; to date, property acquisition has proceeded ahead of schedule

and has generally been well received by property owners and adjacent businesses; during the course of negotiations, it has become known that one of the property owners represented on the original property acquisition list has ownership of a connected parcel not currently considered for purchase; initial indications from the property owner indicate a preference that the parcels of land be sold together; the property in question is owned by Stacy Tree Service Inc., Official Tax No. 4340315; in reviewing the situation, City staff further believes that the parcel of land will likely have some benefit in future road alignments related to Plant expansion; therefore, authorization is needed to move forward with procurement of title work, appraisals, and documents preparation related to acquisition of the necessary property rights, and funding is available in Account No. 003-510-8362-9050 for the additional property.

The City Manager recommended that the City Manager and the City Attorney be authorized to take all necessary steps to acquire all property rights for the above described property, such property rights may be acquired by negotiation or eminent domain, and may include fee simple, permanent easements, temporary construction easements, rights-of-way, licenses or permits, etc., subject to satisfactory environmental site inspection.

Mr. Cutler offered the following ordinance:

(#36424-070703) AN ORDINANCE providing for the acquisition of property identified as Official Tax No. 4340315, needed by the City from Stacy Tree Service, Inc., in connection with the construction of the Roanoke Water Pollution Control Plant ("WPCP") Wet Weather Project; setting a limit on the consideration to be offered by the City; providing for the City's acquisition of such property by condemnation, under certain circumstances; authorizing the City to make motion for the award of a right of entry on the parcel for the purpose of commencing the project; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 495.)

Mr. Cutler moved the adoption of Ordinance No. 36424-070703. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

BUDGET-HUMAN SERVICES COMMITTEE: The City Manager submitted a communication advising that the Human Services Committee budget, in the amount of \$540,159.00, was established by Council with adoption of the General Fund budget for fiscal year 2003-04 on May 12, 2003; requests from 43 agencies, totaling \$1,099,358.00, were received; and agencies were notified of tentative allocations and advised that they could appeal the funding recommendations.

It was explained that appeals of Human Services Committee recommendations, as provided by policy, were received after notification of each agency of its tentative recommended allocation; appeals were filed by the National Multiple Sclerosis Society and Roanoke Valley CASA; after hearing appeals, no changes were made to the recommended allocations; and performance audits will be conducted by the Council of Community Services to evaluate the effectiveness and efficiency of all funded programs.

The City Manager recommended that Council transfer \$540,159.00 from the Human Services Committee, Account No. 001-630-5220-3700, to new line items to be established within the Human Services Committee budget, as follows:

	<u>Recommended 2003/04</u>
Planned Parenthood of Blue Ridge	\$ 5,000.00
Roanoke Valley Speech and Hearing Center	3,500.00
Unified Human Services Transportation (RADAR)	
Star Program	20,000.00
Bethany Hall	10,000.00
Roanoke Valley CASA	5,000.00
Southwestern Virginia Second Harvest Food Bank	15,000.00
Greenvale School	10,000.00
Child Advocacy Center - Family Support Program	5,000.00
Roanoke Area Ministries	30,000.00
Conflict Resolution Center	6,000.00
Brain Injury Services of Southwest Virginia	10,000.00
Blue Ridge Independent Living Center	10,000.00
League of Older Americans	29,000.00
Adult Care Center	7,000.00
Presbyterian Community Center, Inc. - Pathways Program	-0-
Mental Health Association	2,300.00
TRUST - Roanoke Valley Trouble Center	8,000.00
National Multiple Sclerosis Society	-0-
Girl Scouts of Virginia Skyline Council, Inc.	5,000.00
Northwest Child Development Center	20,000.00

Council of Community Services:	
A. Information and Referral/Volunteer Roanoke Valley	\$ 13,000.00
B. Human Services Planning Project	-0-
Apple Ridge Farm	7,795.00
Roanoke Adolescent Health Partnership, Inc.	10,000.00
Fifth District Employment and Training Consortium-	
Homeless Supportive Service Initiative	5,000.00
Family Services of Roanoke Valley:	
A. Action Program	3,000.00
B. Home Care Aide	15,000.00
C. Family and Individual Counseling	10,000.00
D. Adults Plus	14,500.00
Blue Ridge Legal Services, Inc.	3,000.00
Bradley Free Clinic	30,000.00
West End Center for Youth:	40,000.00
A. Educational Services Program	
B. After School Program	
Downtown Music Lab	4,000.00
The National Conference for Community and Justice	
(NCCJ)	2,000.00
Big Brothers/Big Sisters of Roanoke Valley:	
Community Based Mentoring Program	3,000.00
Goodwill Industries of the Valleys	30,000.00
Roanoke Valley Interfaith Hospitality Network	5,000.00
St. John's Community Youth Program, Inc.	5,000.00
Boys and Girls Club - Violence Prevention	10,000.00
Roanoke Valley Family Learning Center	-0-
Roanoke Valley Chapter - American Red Cross -	
Disaster Services	-0-
Salvation Army:	
A. Turning Point	14,000.00
B. Emergency Shelter and Transitional	
Housing for Men	14,000.00
Inner City Athletic Association	4,000.00
CHIP:	
A. Helpful Opportunities for Parents to Excel (HOPE)	5,000.00
B. Family Strengthening	25,000.00
C. Care Coordination	22,000.00
YMCA of Roanoke Valley - Magic Place	9,000.00
YMCA of Roanoke Valley - Homework Success and	
Drop-In Summer Outreach	10,000.00

YWCA:

A. Therapeutic Aquatics	\$ 5,000.00
B. Child Care	5,000.00
C. Youth Club	5,000.00
D. Resident Program	-0-
Council of Community Services - Monitoring Services	11,064.00

- **Appropriate funding in the amount of \$73,141.00 to Account No. 001-630-5315-2010.**

Mr. Dowe offered the following budget ordinance:

(#36425-070703) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 496.)

Mr. Dowe moved the adoption of Ordinance No. 36415-070703. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, and Cutler-----5.

NAYS: Mayor Smith-----1.

(Council Member Fitzpatrick was absent.)

Mr. Bestpitch stated that even though his spouse is employed by the YMCA of Roanoke Valley, one of the agencies to be funded through the Human Services Committee, the City Attorney advises that he does not have a conflict of interest and may cast his vote on the budget ordinance.

The Mayor advised that approximately 29 agencies have been recommended for funding through the Human Services Committee for fiscal year 2003, and he supports 28 of the 29 agencies; however, he cannot support funding for Planned Parenthood of the Blue Ridge in the amount of \$5,000.00.

POLICE DEPARTMENT-BUDGET: The City Manager submitted a communication advising that in fiscal year 2002-03, the Police Department provided for a fee training at its Police Academy for Roanoke County's police officers, recruit officers and dispatchers; the City of Roanoke Police Department has agreed to

provide to Roanoke County the same fee-based training in fiscal year 2003-04; and the Police Department received \$26,820.00 in June 2003 (\$180.00 per person X 149 persons) for fiscal year 2003-04 training and deposited the funds to deferred revenue, Account No. 001-2338.

The City Manager recommended that Council appropriate \$26,820.00 to the General Fund, Police Training, Account No. 001-640-3115-2044, for training and development, with a corresponding increase to the General Fund revenue estimate for Roanoke County Police Training, Account No. 001-110-1234-1461.

Mr. Dowe offered the following budget ordinance:

(#36426-070703) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 499.)

Mr. Dowe moved the adoption of Ordinance No. 36426-070703. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

GRANTS-HOUSING/AUTHORITY-HOTEL ROANOKE CONFERENCE CENTER-
LOANS: The City Manager and the Director of Finance submitted a joint communication advising that the City of Roanoke entered into a United States Department of Housing and Urban Development (HUD) Section 108 Loan Agreement for \$6 million in March 1994, with an average interest rate of 6.78 per cent; funds were loaned to Hotel Roanoke, LLC via a three-party loan agreement between the City of Roanoke, Roanoke Redevelopment and Housing Authority (RRHA) and Hotel Roanoke, LLC, and were used as part of the financing for refurbishing The Hotel Roanoke; the three party loan agreement states that Hotel Roanoke, LLC will pay the same interest rate that the City pays on the HUD loan; the City pledged its Community Development Block Grant (CDBG) for repayment of the loan, if necessary; CDBG funds are used to repay the loan, and payments from Hotel

Roanoke, LLC are treated as CDBG program income; per the loan agreement with Hotel Roanoke, LLC, annual payments are made to the extent that operating revenues are available, as defined in the loan agreement; and any unpaid amounts accumulate and are added to future payments due.

It was further advised that the HUD Section 108 loan is eligible for refinancing after payment of the scheduled August 1, 2003 payment; the City is in the process of coordinating with HUD to refinance the remaining principal balance of \$3,825,000.00; HUD believes that the City should be able to refinance the outstanding balance at approximately one half of the current rate; if the City is successful in obtaining this favorable interest rate, savings should approximate \$850,000.00 to \$870,000.00 over the remaining life of the loan; the lower interest rate will reduce future payments due from Hotel Roanoke, LLC and improve the potential for collecting the amounts due in arrears, which will potentially result in more CDBG program income for future years; and the loan agreement with RRHA and Hotel Roanoke, LLC will need to be amended to reflect the lower interest rate.

The City Manager and the Director of Finance recommended that Council adopt a resolution authorizing the City Manager, the City Clerk, and the City Attorney to execute the necessary documents to refinance the HUD Section 108 loan, and to authorize the City Manager to execute an amendment to the loan agreement with RRHA and Hotel Roanoke, LLC., to conform the terms of such contract with the terms of refinancing.

Mr. Dowe offered the following resolution:

(#36413-070703) A RESOLUTION authorizing certain actions in connection with the redemption and refinancing of certain Section 108 guaranteed obligations previously issued by the City.

(For full text of Resolution, see Resolution Book No. 97, page 480.)

Mr. Dowe moved the adoption of Resolution No. 36413-070703. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith -----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

DIRECTOR OF FINANCE:

DIRECTOR OF FINANCE-AUDITS/FINANCIAL REPORTS: The Director of Finance submitted the Financial Report for the City of Roanoke for the month of May 2003.

There being no questions and without objection by Council, the Mayor advised that the Financial Report for the month of May 2003 would be received and filed.

BUDGET: The Director of Finance submitted a written report advising that at the close of fiscal year 2003, budgeted funds were obligated for outstanding encumbrances; purchase orders or contracts were issued for goods and services as of the close of fiscal year 2003, but delivery of the goods or performance of the services were not completed; reappropriation of the funds will carry forward unspent budgets that were originally appropriated and are contractually obligated for the goods and services; and appropriation amounts are as follows:

General Fund	\$1,968,007.00
Water Fund	270,169.00
Water Pollution Control Fund	600,430.00
Civic Facilities Fund	31,309.00
Department of Technology Fund	187,216.00
Fleet Management Fund	1,305,495.00
School Fund	2,620,094.00
School Food Services Fund	50,570.00

The Director of Finance recommended that Council adopt an ordinance to reappropriate funds into current year budgets, in order that encumbrances may be properly liquidated.

Mr. Dowe offered the following budget ordinance:

(#36427-070703) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 General, Water, Water Pollution Control, Civic Center, Department of Technology, Fleet Management, School and School Food Services Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 500.)

Mr. Dowe moved the adoption of Ordinance No. 36427-070703. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

REPORTS OF COMMITTEES:

COMMUNITY PLANNING-RAILSIDE LINEAR WALK: A report of the City Planning Commission advising that renaming the Railside Linear Walk the O. Winston Link Railwalk was considered by the Planning Commission on June 19, 2003; the Railside Linear Walk project has been a multi-year effort linking the downtown market area with the Transportation Museum, and honoring Roanoke's railroad history; a proposal to change the name to the O. Winston Link Railwalk was presented to Council on May 19, 2003; and upon consideration of the request and public comment received during the meeting, Council referred the matter to the City Planning Commission for study, report and recommendation, was before the body.

It was further advised that prior to the City Planning Commission's consideration, various organizations with an interest in downtown Roanoke, historic, and railroad related issues were contacted to comment on the proposed name change; and the City Planning Commission received written comments from the following organizations and interests:

Downtown Roanoke, Inc., which supported the name change to the O. Winston Link Railwalk.

Roanoke Chapter, National Railway Historic Society, which did not support the proposed name change, but preferred naming the facility after Robert H. Smith, former President of Norfolk and Western Railroad.

Roanoke Valley Preservation Foundation, which did not support the proposed name change, but preferred naming the railwalk the, "Norfolk and Western Railwalk."

It was explained that City Planning Commission discussion centered around a wide range of opinions that were presented on the subject, and the current status of the railwalk in relation to its original concept and intent; some members of the Planning Commission stated that the railwalk had not been implemented to the point that it could be identifiable to any one person; however, eventual consensus by

Planning Commission members was that the question was not the current programming of the railwalk, or whether or not it had fully reached its potential, but whether the requested name change was appropriate; therefore, it was the consensus of the City Planning Commission that there appeared to be no compelling reason not to support the requested name change, nor any reason to continue to seek additional input into the matter, before sending a recommendation to the Council.

The City Planning Commission recommended that Council approve renaming the Railside Linear Walk the O. Winston Link Railwalk.

Mr. Cutler offered the following resolution:

(#36428-070703) A RESOLUTION renaming the Railside Linear Walk as the O. Winston Link Railwalk.

(For full text of Resolution, see Resolution Book No. 97, page 505.)

Mr. Cutler moved the adoption of Resolution No. 36428-070703. The motion was seconded by Mr. Bestpitch.

John P. Bradshaw, President, Southwest Virginia History Museum, spoke in support of the proposed name change.

Resolution No. 36428-070703 was adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

UNFINISHED BUSINESS: None.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

FIRE DEPARTMENT- ACTS OF ACKNOWLEDGMENT: Council Member Wyatt expressed appreciation to the Volunteer Fire Department in Scruggs, Virginia, for its assistance in coming to the aid of a family member who needed oxygen over the July 4th weekend.

ACTS OF ACKNOWLEDGMENT: Mayor Smith commended all persons involved in the City's successful July 4th activities.

FIRE DEPARTMENT: Council Member Cutler commended the City of Roanoke Fire/EMS Department, in connection with its efforts to extinguish a fire on Cornwallis Avenue, S. E., on July 5th.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

ARMORY/STADIUM: Mr. Jim Fields, 17 Ridge Crest Road, Hardy, Virginia, spoke in support of preserving Victory Stadium. He called attention to successful 4th of July celebrations at Victory Stadium that have been enjoyed by a large segment of the Roanoke Valley. He stated that Victory Stadium is a historical site and should be preserved in memory of World War II veterans; there is sufficient area under the grandstands for office space, exhibits, etc.; and the field is large enough to accommodate a running track for Roanoke's high school students. He added that a large number of citizens have signed petitions in opposition to the Orange Avenue site for the proposed stadium/amphitheater, and the issue should be placed on the November ballot for a vote by the citizens of Roanoke.

POLICE DEPARTMENT-SCHOOLS: Ms. Alice Hinchey, 4024 South Lake Drive, S. W., requested that Police Officer Ray Lewis be reinstated as a School Resource Officer at Patrick Henry High School. She stated that the school division has experienced problems with regard to school safety, crime and violence; and when Officer Lewis made the decision to come forth and speak to the news media with regard to his observations and concerns, he caused other Roanoke City employees to make a choice as to whether they were to be a part of the school system's problems or a part of the solution; unfortunately the Police Department made the wrong choice when officials decided to reassign Officer Lewis from the Schools to the Patrol Division; and when the City Manager offered to reinstate Officer Lewis as a School Resource Officer at William Fleming High School, her action was short of

the goal to return Officer Lewis to Patrick Henry High School. She stated that Council is a separate entity and cannot solve all of the problems of the schools, but this is one aspect of the school safety and violence issue that Council can provide a solution; therefore, she requested that Officer Lewis be reinstated as a School Resource Officer, not at William Fleming, but at Patrick Henry High School.

Mr. Joe "Butch" Church, 1921 Queens Mill Drive, Roanoke County, appeared before Council as a citizen of Roanoke County to speak on behalf of Officer Lewis. He stated that Student Resource Officers are critical to school safety; and in working with Roanoke County government as an elected official, he was instrumental in obtaining four grants from the Commonwealth of Virginia for School Resource Officers for Roanoke County Schools. He spoke in support of Officer Lewis as a friend, as a person who is trustworthy, honest, caring and his decisions are made for the right reasons. He added that Officer Lewis has an uncanny ability to identify a situation that is about to get out of hand and diffuse the situation, which is a skill that cannot be taught. He advised that a School Resource Officer may be the last connection with a troubled student, or the last connection before disaster happens; and Officer Lewis is highly skilled in his profession, and he is an asset to Patrick Henry High School.

POLICE DEPARTMENT-BUDGET-COMPLAINTS-HOUSING/AUTHORITY-CITY EMPLOYEES: Mr. Robert N. Gravely, 3360 Hersherberger Road, N. W., advised that the City of Roanoke is behind schedule in maintaining its infrastructure and its neighborhoods. He spoke in connection with the need to increase the wages of City employees so that the average City worker can afford a home and a vehicle.

POLICE DEPARTMENT-COMPLAINTS: Mr. Hugh Mayo, 930 Lafayette Boulevard, N. W., owner of Big Daddy's Ice House, a non-alcoholic beverage nightclub for persons age 18 and over, which is located in downtown Roanoke, advised that his business has been discriminated against by the City of Roanoke. He added that false remarks have been made about his business by the Police Department, the City sent a letter to the owner of the building providing five days to correct an alleged public nuisance, and the doors to the building housing his business were locked by the property owner. He stated that his business does not constitute a public nuisance and it is wrong for the Police Department to make false statements.

Council Member Fitzpatrick entered the meeting.

POLICE DEPARTMENT-SCHOOLS: Council Member Bestpitch expressed concern with regard to school discipline and the possibility of violence in the Roanoke City Public Schools; and advised that he has requested a clarification by the

City Manager with regard to the appropriate roles and responsibilities of the School Resource Officer program in general. He stated that there is a need for broadbased collaboration among School staff, the Police Department, parents and students, to look at specific questions and to recommend a better way to address school discipline problems, to ensure appropriate roles and responsibilities for School Resource Officers; and it is hoped that Council Members will have no objection to recommending that such a process take place, through broad based participation and involvement. He further stated that a second issue of concern to him personally, and he has posed specific questions to the City Manager, is in regard to the decision to reinstate Officer Lewis as a School Resource Officer at William Fleming High School, as opposed to Patrick Henry High School, where he was originally assigned and he is waiting for the City Manger's response; however, he stated that he is not willing to stand by and see any specific individual scapegoated for larger problems that do not appear to have been of his making.

Council Member Wyatt advised that she has listened to Officer Lewis' side of the story, reviewed his documentation, and found him to be an honorable man, whose biggest sin is that he loves Patrick Henry High School and the students enough that he is willing to put himself on the line, which is a gift that the City of Roanoke should not loose. She advised that Officer Lewis gave his best, and asked that the City treat him fairly and not allow him to be used as a scapegoat, while losing sight of the bigger issue, which is that he put his career on the line for the safety of Roanoke's children. She advised that the School Board and the School Superintendent have a responsibility to address the issue.

The Mayor requested information on the chain of command within the Police Department and how the School Resource Officer program interacts between the City and the School system.

The City Manager responded that the issue is a personnel matter, and she will continue to maintain the confidentiality of this and all personnel matters. She stated that she has committed to an independent personal investigation of the matter; she initiated the original investigation when she expressed concern with regard to media coverage, which did not demonstrate whether or not the Police Officer, for whom she is responsible, had acted in accordance with all of his responsibilities; she was not concerned about the fact that the Police Officer spoke with the news media, when, in fact, City employees, both current and past, have appeared before Council on a regular basis and made comments about her performance, or the performance of the City administration, and the record demonstrates that City employees are free to make comments, therefore, the issue of speaking out is not the issue. She advised that she met with Officer Lewis on two occasions, and waited approximately

eight days for him to provide additional documentation which was not received until last week. She further advised that the chain of command, rightly or wrongly, is such that she is the Council's appointee and any action on a personnel matter should be addressed with her as Roanoke's City Manager, because the chain of command stops at that point. She stated that the Chief of Police reports to the City Manager; she has reviewed the matter independently of the Police Department's investigation; and her record is such that she has demonstrated that she tries to treat each and every employee issue confidentially and fairly and will continue to do so. She stated that it is understood that there is much public sentiment around the issue; and she must make her decision based upon the evidence that is demonstrated to her in a review of the situation. She advised that the Council would be provided with a list of the chain of command within the Police Department; however, the buck stops with the City Manager.

CITY MANAGER COMMENTS: NONE.

At 3:35 p.m., the meeting was declared in recess for two Closed Sessions.

At 5:15 p.m., the meeting reconvened in the Council Chamber, with Mayor Smith presiding and all Members of the Council in attendance, with the exception of Council Members Fitzpatrick, Harris and Bestpitch who left the meeting during the Closed Session.

COUNCIL: With respect to the Closed Meeting just concluded, Ms. Wyatt moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in my motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Dowe, Wyatt, Cutler and Mayor Smith-----5.

NAYS: None-----0.

(Council Members Fitzpatrick , Harris and Bestpitch were absent.)

OATHS OF OFFICE-COMMITTEES-COMMUNITY PLANNING: The Mayor advised that there is a vacancy on the City Planning Committee created by the resignation of S. Wayne Campbell, and called for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the name of Paula Prince.

There being no further nominations, Paula Prince was appointed as a member of the City Planning Commission, to fill the unexpired term of S. Wayne Campbell, resigned, ending December 31, 2004, by the following vote:

FOR MS. PRINCE: Council Members Dowe, Wyatt, Cutler and Mayor Smith----4.

NAYS: None-----0.

(Council Members Fitzpatrick, Harris, and Bestpitch were absent.)

OATHS OF OFFICE-COMMITTEES-HOUSING/AUTHORITY: The Mayor advised that there is a vacancy on the Roanoke Redevelopment and Housing Authority created by the resignation of Beverly T. Fitzpatrick, Jr., and called for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the name of Greg Feldmann.

There being no further nominations, Mr. Feldmann was appointed as a member of the Roanoke Redevelopment and Housing Authority, for a term ending August 31, 2006, by the following vote:

FOR MR. FELDMANN: Council Members Dowe, Wyatt, Cutler and Mayor Smith -----4.

NAYS: None-----0.

(Council Members Fitzpatrick, Harris, and Bestpitch were absent.)

COMMITTEES-COURT COMMUNITY CORRECTIONS BOARD: The Mayor advised that the three year term of office of Gail Burrus as a member of the Court Community Corrections Program Regional Community Criminal Justice Board expired on June 30, 2003, and called for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the name of Gail Burrus.

There being no further nominations, Ms. Burrus was reappointed as a member of the Court Community Corrections Program Regional Community Criminal Justice Board, for a term ending June 30, 2006, by the following vote.

FOR MS. BURRUS: Council Members Dowe, Wyatt, Cutler and Mayor Smith--4.

NAYS: None-----0.

(Council Members Fitzpatrick, Harris, and Bestpitch were absent.)

HUMAN DEVELOPMENT-COMMITTEES: The Mayor advised that the one year terms of office of Frank W. Feather, Pamela Kestner-Chappelear and Judy O. Jackson as members of the Human Services Committee expired on June 30, 2003, and called for nominations to fill the vacancies.

Ms. Wyatt placed in nomination the names of Frank W. Feather, Pamela Kestner-Chappelear and Judy O. Jackson.

There being no further nominations, Mr. Feather, Ms. Kestner-Chappelear, and Ms. Jackson were reappointed as members of the Human Services Committee, for terms ending June 30, 2004, by the following vote:

FOR MR. FEATHER, MS. KESTNER-CHAPPELEAR, AND MS. JACKSON: Council Members Dowe, Wyatt, Cutler and Mayor Smith-----4.

NAYS: None-----0.

(Council Members Fitzpatrick, Harris, and Bestpitch were absent.)

COMMITTEES- FLOOD REDUCTION/CONTROL: The Mayor advised that the one year terms of office of Kathy S. Hill, E. L. Noell and Herbert C. Berding, Jr., as members of the Flood Plain Committee expired on June 30, 2003, and called for nominations to fill the vacancies.

Ms. Wyatt placed in nomination the names of Kathy S. Hill, E. L. Noel, and Herbert C. Berding, Jr.

There being no further nominations, Ms. Hill, Mr. Noel and Mr. Berding were reappointed as members of the Flood Plain Committee, for terms ending June 30, 2004, by the following vote:

FOR MS. HILL AND MESSRS NOEL AND BERDING: Council Members Dowe, Wyatt, Cutler and Mayor Smith-----4.

NAYS: None-----0.

(Council Members Fitzpatrick, Harris, and Bestpitch were absent.)

COMMITTEES- WAR MEMORIAL: The Mayor advised that the one year term of office of Sloan H. Hoopes as a member of the War Memorial Committee expired on June 30, 2003, and called for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the name of Sloan H. Hoopes.

There being no further nominations, Mr. Hoopes was reappointed as a member of the War Memorial Committee, for a term ending June 30, 2004, by the following vote:

FOR MS. HOOPES: Council Members Dowe, Wyatt, Cutler and Mayor Smith--4.

(Council Members Fitzpatrick, Harris, and Bestpitch were absent.)

PARKS AND RECREATION-COMMITTEES: The Mayor advised that the one year terms of office of E. C. Pace, III, Eddie Wallace, Michael A. Loveman and Carl H. Kopitzke as members of the Mill Mountain Advisory Committee expired on June 30, 2003, and called for nominations to fill the vacancies.

Ms. Wyatt placed in nomination the names of E. C. Pace, III, Eddie Wallace, Michael A. Loveman, and Carl H. Kopitzke.

There being no further nominations, Mr. Pace, Mr. Wallace, Mr. Loveman and Mr. Kopitzke were reappointed as members of the Mill Mountain Advisory Committee, for terms ending June 30, 2004, by the following vote:

FOR MESSRS: PACE, WALLACE, LOVEMAN AND KOPITZKE: Council Members Dowe, Wyatt, Cutler and Mayor Smith-----4.

NAYS: None-----0.

(Council Members Fitzpatrick, Harris, and Bestpitch were absent.)

COMMITTEES-PERSONNEL DEPARTMENT: The Mayor advised that the three year terms of office of Alphonzo L. Holland, Sr., and Carol D. Tuning as members of the Personnel and Employment Practices Commission expired on June 30, 2003, and called for nominations to fill the vacancies.

Ms. Wyatt placed in nomination the names of Alphonzo L. Holland, Sr., and Carol D. Tuning.

There being no further nominations, Mr. Holland and Ms. Tuning were reappointed as members of the Personnel and Employment Practices Commission, for terms ending June 30, 2006, by the following vote:

FOR MR. HOLLAND AND MS. TUNING: Council Members Dowe, Wyatt, Cutler and Mayor Smith-----4.

NAYS: None-----0.

(Council Members Fitzpatrick, Harris, and Bestpitch were absent.)

(Ms. Tuning submitted her resignation as a member of the Personnel and Employment Practices Commission on August 4, 2003, prior to subscribing to the Oath of Office for her new term.)

COMMITTEES-ROANOKE NEIGHBORHOOD PARTNERSHIP (ROANOKE NEIGHBORHOOD ADVOCATES): The Mayor opened the floor for nominations for one additional appointment to the Roanoke Neighborhood Advocates; whereupon, Ms. Wyatt placed in nomination the name of Sandra Kelley.

There being no further nominations, Ms. Kelley was appointed as a member of the Roanoke Neighborhood Advocates, for a term ending June 30, 2006, by the following vote:

FOR MS. KELLEY: Council Members Dowe, Wyatt, Cutler and Mayor Smith-----4.

NAYS: None-----0.

(Council Members Fitzpatrick, Harris, and Bestpitch were absent.)

ROANOKE VALLEY-ALLEGHENY REGIONAL COMMISSION-OATHS OF OFFICE: The Mayor advised that the three year terms of office of William D. Bestpitch, Darlene L. Burcham and R. Brian Townsend as members of the Roanoke Valley-Allegheny Regional Commission expired on June 30, 2003, and called for nominations to fill the vacancies.

Ms. Wyatt placed in nomination the names of William D. Bestpitch, Darlene L. Burcham and R. Brian Townsend.

There being no further nominations, Ms. Burcham and Messrs. Bestpitch and Townsend were reappointed as members of the Roanoke Valley-Allegheny Regional Commission, for terms ending June 30, 2006, by the following vote:

FOR MS. BURCHAM AND MESSRS. BESTPITCH and TOWNSEND: Council Members Dowe, Wyatt, Cutler and Mayor Smith-----4.

(Council Members Fitzpatrick, Harris and Bestpitch were absent.)

There being no further business, at 5:25 p.m., the Mayor declared the meeting in recess until Friday, July 18, 2003, at 12:00 noon, for the Regional Leadership Summit Luncheon, which will be hosted by Roanoke County at Virginia's Explore Park, Visitor Center Theater, 3900 Rutrough Road, S. E., Roanoke, Virginia.

The City Council meeting reconvened on Friday, July 18, 2003, at 12:00 noon at Virginia's Explore Park (Visitor Center Theater), 3900 Rutrough Road, S. E., Roanoke, Virginia, for a meeting of representatives of the Regional Leadership Summit.

PRESENT: Council Members William D. Bestpitch, M. Rupert Cutler, and Mayor Ralph K. Smith-----3.

ABSENT: Council Members Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., C. Nelson Harris and Linda F. Wyatt-----4.

OFFICERS PRESENT: George C. Snead, Jr., Assistant City Manager for Operations; and Sheila N. Hartman, Assistant City Clerk.

Also present were Wayne G. Strickland, Secretary, Fifth Planning District Regional Alliance; Beth Doughty, President, Roanoke Regional Chamber of Commerce; Jacqueline L. Shuck, Executive Director, Roanoke Regional Airport; and members of City Councils/Boards of Supervisors and staff of the following localities: Alleghany County, Bedford County, Franklin County, Roanoke County, City of Covington, City of Roanoke, City of Salem, Town of Clifton Forge and Town of Vinton.

REGIONAL INITIATIVES: Joseph P. McNamara, Chair, Roanoke County Board of Supervisors, introduced Elmer C. Hodge, Roanoke County Administrator, who presented the following highlights of the Roanoke Regional initiatives:

Public Safety

**Read Mountain Cooperative Fire and Rescue Station
Built by Roanoke County and equipped by Botetourt
County in 1990-1991;
Located within Botetourt County lines;
Fulfills the public safety needs of both localities with an
all-volunteer staff;**

Clearbrook Cooperative Fire & Rescue Station
Joint Roanoke County/Roanoke City staffing;
Responds to calls across jurisdictional lines;

Vinton Cooperative Fire & Rescue Effort
County of Roanoke and Town of Vinton work together out of Fire House #2, which allows the operation to function as a joint fire and rescue station;

Roanoke Regional Fire/EMS Training Center
Provides firefighting and emergency medical training for the County of Roanoke, City of Roanoke, City of Salem and Town of Vinton, which results in improved fire and rescue services for all valley citizens;

Roanoke Regional Tactical Training Center
Opened in the Spring of 2001;
Joint venture between the City of Roanoke and County of Roanoke;
Provides police and sheriffs' departments with state-of-the-art rifle range, pistol ranges, tactical training house, and classroom facilities;
Driving range is under construction and will allow for on-site training in emergency vehicle operation;

Emergency Services Radio System
800 MHz system installed by Roanoke County in 1988;
Currently serves the Police, Fire & Rescue, and Sheriff's Departments of the City of Roanoke and County of Roanoke; Added capacity allows Explore Park, Roanoke Valley Resource Authority, Roanoke Regional Airport Commission, and other local law enforcement and fire and rescue agencies to have access to the system;

Sports Marketing

Convention & Visitors Bureau - Sports Marketing Committee
Partners the public and private sectors to evaluate and recruit sporting event housing opportunities for localities across the valley;

Adult Softball Tournaments
County of Roanoke and City of Salem will co-host the A.S.A.; Class B Men's Fast Pitch National Championship, bringing in over 60 teams from across the nation;

Proposed Roanoke City/Roanoke County Water and Wastewater Authority

Increase water security and operational efficiencies for participating localities;

Utility staff from the City of Roanoke and County of Roanoke are now working together across departments;

Teams of employees are studying all angles of both water systems in order to recommend the best aspects of each or to innovate and invent new procedures, ultimately bringing about an efficient and organized transition to an Authority model.

Mr. Hodge concluded by stating that there is no end to regional cooperation.

REGIONAL LEGISLATIVE AGENDA: Wayne Strickland, Executive Director, Roanoke Valley-Alleghany Regional Commission, presented the following proposed additions to recommendations for development of the regional legislative agenda which were approved at the October 18, 2002 meeting of the Leadership Summit and will be considered in the 2003 regional legislative agenda:

- The General Assembly should provide statutory authority for the separation, for taxing purposes, of business personal property (personal property that is directly used in the conduct of a legally authorized and licensed local business) and personal property.**
- Funding for Virginia's Regional Competitiveness Program (RCP) was eliminated in 2002. The General Assembly needs to fund this important program. The Commonwealth established the RCP in 1996 and since that time more than 227 regional projects throughout Virginia have been supported by RCP funds. Each dollar of RCP funds has been leveraged with 19 dollars of non-state funds. In the Roanoke Valley-Alleghany region, RCP funds have been used to support regional industrial parks, workforce development/education, tourism and infrastructure development.**
- The Commonwealth needs to move aggressively to reform its tax system. There have been two study commissions established to examine the problem of funding state and local governments and as yet, there has been no major movement toward tax reform. Recently, a new Tax Code Study Commission was established. The General Assembly needs to encourage this Commission to complete its work in a timely fashion and the General Assembly should act on the Commission's recommendations to ensure Virginia's tax system is fair and aligns service delivery responsibilities with revenue sources at the state and local level.**

He advised that this is an opportunity to get the issue off of square one, as the Governor and members of the Republican Party are interested in the matter, and he would like to receive responses from localities by October, 2003, in order to reach consensus on the items and move forward. After the elections in November, he proposed that legislators be invited to attend a meeting of the Regional Leadership Summit at which time proposals will be reviewed. Dr. Cutler suggested that funding freight rail service in the area be included in the items to be discussed with legislators.

Mr. Bestpitch stated that he attended a meeting of the VML Policy Committee on Transportation in Richmond; in a presentation by Dr. Mary Lynn Tischer regarding reauthorization of the Transportation Act, it is proposed this year to rename the Act the "Safe Accountable Flexible Efficient Transportation Equity Act" (SAFE TEA). He further stated that the House of Representatives is working on a dollar number of \$375 billion, the Senate is looking at approximately \$311 billion, and the White House is regimenting \$247 billion; and the picture that is being painted gets bleaker and bleaker in terms of the amount of funding that will be available for transportation projects. He added that new projects such as I-73 would still be eligible for funding, but funding may be an issue, and will continue to affect localities.

Mr. McNamara advised that the land use issue was still contained in the regional legislative agenda; Roanoke County received some assistance with Explore Park, but would continue to supply the bulk of funding so that the County would have a little more control over the development and use of the Park, the concept being that it was not going to be a profitable venture any time in the near future, but at least there would be the underlying asset that the County could develop and use the Park.

Dr. Cutler called attention to the original statute establishing Explore Park which provided that the land would revert to the State, and basically become a part of the park system.

Mr. Hodge stated that Roanoke County would like more assurance from the State that the County's investment in Explore Park will be protected; the State and County would be working in a partnership with the National Park Service; working in partnership with the National Park Service would provide more protection and more reason to contribute funds, because they would have ownership and protection of their investment.

Mr. McNamara requested that members of the Regional Leadership Summit share the information with their respective Councils and Boards of Supervisors, and continue to develop their own community agendas which can be incorporated in the information to be presented to area legislators. He stated that all items approved by the Leadership Summit last year are still contained in the regional legislative agenda.

AIRPORT-CONSULTANTS: Beth Doughty, President, Roanoke Regional Chamber of Commerce, presented an update on the Airport Alliance, advising that the pledge bank was established in April, and the travel pledge program bank has raised over \$2 million from 103 businesses to date; some major users have not pledged as yet; Barry DuVal, President and CEO, Kaufman and Canoles Consulting, LLC, has compiled all information received to date and sent a report to AirTran Airlines showing the support of regional alliances consisting of public/private partnerships to recruit low-fare carriers; and although AirTran Airlines remains their number one target, because of certain market and service changes, Mr. DuVal will contact other low-fair carriers as well. She stated that it is believed that the pledges will exceed over \$2 million; and the number one destination from Roanoke would be to Atlanta, however, more information will be available in January, 2004.

Ms. Doughty distributed a Campaign For Fair Airfares Status Report, dated July 18, 2003, which listed the names of businesses that have made pledges, those that declined to pledge, those that made pledges but have not been received, a target list, a list of progress to date, and a list of businesses where presentations have been made.

Jacqueline L. Shuck, Executive Director, Roanoke Regional Airport, distributed copies of the joint application of the Roanoke Regional Airport Community Consortium for Improved Air Service and the Roanoke Regional Airport Commission, dated June 23, 2003, to the Department of Transportation, regarding a proposal under the Small Community Air Service Development Pilot Program (Docket # OST - 2003-15065), including an application summary. She noted that a figure of \$2.3 million in pledges was included in the application. She stated that the 80% load factor is not happening at the airport. She stated that approximately \$20 million is available; approximately 200 airports will apply for the grants; no more than 20 airports will be awarded grants; and no more than four in any one state could receive grants, which was not an issue last year. She further stated that Federal grants encourage co-applicants to share funding amounts; concentration will be placed on getting the money first and then assess the interest of AirTran; the grant documents could be negotiated; the travel bank helps to protect the revenue guarantee for the air carrier; and the grant will not be a continuing subsidy.

Following discussion regarding adoption of a resolution of support, Ms. Shuck encouraged members of each locality to write individual letters of support for the application instead, and send them directly to Docket Operations and Media Management, M-30, Room PI-401, Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, or to the Honorable Norman Mineta, Secretary of Transportation, United States Department of Transportation, 400 Seventh Street, Washington, D.C. 20590, to request that the application be placed on the docket. She closed by stating that all those things that were proposed to be done last year have been put in place, and suggested that members view the information provided at the Department of Transportation's website (www.dot.gov/regulations.html) by using the docket number given on the handout.

After a discussion regarding whether to adopt a resolution, or send letters by member localities, or contact Virginia senators, representatives, or the Governor, Ms. Shuck suggested that sending individual letters to the Department of Transportation from each locality containing information about the various aspects of the service and stating support of the application would be the best way to show support.

Mr. McNamara stated that the airport issue is very important to the region and also encouraged representatives of the Regional Leadership Summit to write individual letters to show the breadth of support and the variety of peoples that the airline would serve. He mentioned that some localities in neighboring states have lost their commercial air carrier service recently, and again encouraged representatives to discuss the initiative with their constituents because it is critical to businesses in their respective communities to participate in the travel pledge program.

OTHER BUSINESS/ANNOUNCEMENTS:

Mayor Smith announced that Norfolk Southern Corporation has offered to furnish a train for a non-stop rail excursion on October 15, 2003, in lieu of the next Leadership Summit, starting in Bedford and ending in Christiansburg. He stated that parameters should be established for the trip, and suggested that a bus could be provided at a specific designation point in Roanoke at 11:00 a.m., to take members to the train in Bedford; the train could leave Bedford at 11:45 a.m., travel non-stop for three hours to Christiansburg; and a bus could be provided in Christiansburg to transport members back to Roanoke by about 4:00 p.m. He further stated that Norfolk Southern will serve as host and provide a box lunch on the train, there will be a 60 person limit, advance reservations will be required, and a list will be compiled of those who plan to attend.

Dr. Cutler spoke in support of the excursion and suggested that each jurisdiction prepare a guide of "lookout points" that could be pointed out along the way.

Mr. McNamara advised that a Mayors and Chairs meeting will be held on August 22, 2003, to be hosted by the Town of Vinton.

Mr. McNamara further advised that the Long Range Water Supply Study is complete and a report, which contained 12-15 alternatives, will be forwarded to localities in early August, with citizen input requested toward the end of August; and the study would not require a public hearing.

There being no further business, the Mayor declared the meeting of Roanoke City Council adjourned at 1:30 p.m.

A P P R O V E D

ATTEST:

**Mary F. Parker
City Clerk**

**Ralph K. Smith
Mayor**



RALPH K. SMITH
Mayor

CITY OF ROANOKE
OFFICE OF THE MAYOR

215 CHURCH AVENUE, S.W., ROOM 452
ROANOKE, VIRGINIA 24011-1594
TELEPHONE: (540) 853-2444
FAX: (540) 853-1145

August 18, 2003

The Honorable Vice-Mayor and Members
of the Roanoke City Council
Roanoke, Virginia

Dear Members of Council:

This is to request a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph K. Smith".

Ralph K. Smith
Mayor

RKS:snh



**CITY OF ROANOKE
OFFICE OF THE MAYOR**

215 CHURCH AVENUE, S.W., ROOM 452
ROANOKE, VIRGINIA 24011-1594
TELEPHONE: (540) 853-2444
FAX: (540) 853-1145

RALPH K. SMITH
Mayor

August 18, 2003

The Honorable Vice-Mayor and Members
of the Roanoke City Council
Roanoke, Virginia

Dear Members of Council:

This is to request a Closed Meeting to discuss a special award, being the Shining Star Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph K. Smith". The signature is stylized with a large, bold "R" and "S".

Ralph K. Smith
Mayor

RKS:snh



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

August 18, 2003

The Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Subject: Request for Closed Meeting

Dear Mayor Smith and Members of Council:

This is to request that City Council convene in a closed meeting to discuss the disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to §2.2-3711.A.3, of the Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in cursive script, reading "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB:f

c: William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Mary F. Parker, City Clerk



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

August 18, 2003

The Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Subject: Request for Closed Meeting

Dear Mayor Smith and Members of Council:

This is to request that City Council convene in a closed meeting to discuss the disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to §2.2-3711.A.3, of the Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in cursive script, reading "Darlene L. Burcham". The signature is written in dark ink and is positioned above the printed name and title.

Darlene L. Burcham
City Manager

DLB:f

c: William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Mary F. Parker, City Clerk



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

C-6

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

August 18, 2003

The Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Subject: Request for Closed Meeting

Dear Mayor Smith and Members of Council:

This is to request that City Council convene in a closed meeting to discuss the disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to §2.2-3711.A.3, of the Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in cursive script, reading "Darlene L. Burcham", is positioned above the printed name.

Darlene L. Burcham
City Manager

DLB:f

c: William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Mary F. Parker, City Clerk



CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

C-7

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

Architectural Review Board
Board of Zoning Appeals
Planning Commission

August 12, 2003

The Honorable Ralph W. Smith, Mayor
Members of City Council
Roanoke, Virginia

Dear Mayor and Members of Council:

As Chairman of the Roanoke City Board of Zoning Appeals for 2003, it is my honor to present to you the annual report for fiscal years July 1, 2001 through June 30, 2002 and July 1, 2002 through June 30, 2003.

For fiscal year 2001-2002, the Board of Zoning Appeals held twelve (12) regular public hearings and three (3) specially called hearings during which there were fourteen (14) variance requests, forty-seven (47) special exception (use) requests, and three (3) appeals to the Zoning Administrator's decisions.

For fiscal year 2002-2003, the Board of Zoning Appeals held eleven (11) regular public hearings, during which there were fourteen (14) variance requests, thirty-seven (37) special exception (use) requests, and no appeals to the zoning Administrator's decisions.

On behalf of the Board, I would like to express our appreciation for Council's ongoing efforts to improve the effectiveness of the Board of Zoning Appeals through revisions to the structure of our board membership and funding for the training and certification of the Board members. The citizens are currently benefiting from the quality participation of Diana Sheppard and Joe Miller as board members most recently appointed.

Council should also know that in May, 2003, we became a fully certified Board again with both newly-appointed members having completed the Virginia BZA Certification Program.

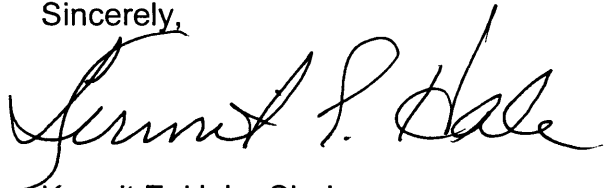
In the current year, the Board of Zoning Appeals' goals are to: first, continue to serve the citizens and developers of the community in furthering the use, development and redevelopment of property through variances and special exceptions; second, to continue to act as a discretionary administrative body and make

The Honorable Ralph W. Smith, Mayor
Members of City Council
August 12, 2003
Page 2

decisions in matters where a person or party within the community is aggrieved by a decision made in the enforcement of the zoning ordinance; and lastly, to recommend to the Planning Commission and City Council necessary revisions and amendments the zoning ordinance in order for the Board to continue to provide fair and equitable service to the community and its citizens.

We are also currently working with the City Attorney's office to assure that our procedures are consistent with like boards in the City and that they promote a concise and fair process.

Sincerely,

A handwritten signature in black ink, appearing to read "Kermit E. Hale". The signature is fluid and cursive, with a large initial "K" and "H".

Kermit E. Hale, Chairman

KEH/bc



Roanoke City Board of Zoning Appeals Annual Reports

**for
Fiscal Years:
July 1, 2001 through June 30, 2002
And
July 1, 2002 through June 30, 2003**

CITY OF ROANOKE BOARD OF ZONING APPEALS

Appointment of the Board

The Council of the City of Roanoke appoints a Board of Zoning Appeals in accordance with enabling legislation as set forth by the Commonwealth of Virginia, which provides that the said Board of Zoning Appeals may, in appropriate cases and subject to appropriate conditions and safeguards, vary the application of the terms of the zoning ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained.

Membership of the Board

The Board of Zoning Appeals shall consist of seven members (on June 17, 2002, City Council voted to increase the Board to seven members), each to be appointed for a term of three years and removable for just cause by City Council, upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Members may be reappointed and may serve up to three consecutive, three-year terms.

Powers of the Board

The Board is appointed by City Council to act as a discretionary administrative body to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by administrative officials in the enforcement of the zoning ordinance adopted pursuant thereto.

The Board is charged with the responsibility to hear, decide and authorize special exceptions to the terms of the zoning ordinance based upon certain criteria and findings as specified in the ordinance; and to hear, decide, and authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance that would not be contrary to the public interest where a literal enforcement of the provisions of such ordinance would result in unnecessary hardship, provided in all cases, the spirit of the ordinance shall be observed and substantial justice done.

SUMMARY OF BOARD ACTION July 1, 2001 through June 30, 2002

During the fiscal year of July 1, 2001 through June 30, 2002, the Board of Zoning Appeals heard 64 requests. These applications consisted of 14 Variance requests, 47 Special Exception requests, and 3 Appeals.

SUMMARY

VARIANCES APPROVED	10	SPECIAL EXCEPTIONS APPROVED	43	APPEALS WITHDRAWN	1
VARIANCES DENIED	4	SPECIAL EXCEPTIONS withdrawn	3	APPEALS DENIED	3
One withdrawn		One cancelled			

ATTENDANCE

There were twelve regular hearings and three special hearings held in this fiscal year.

BOARD MEMBER	ATTENDANCE
Mr. Benjamin S. Motley, Chairman	14
Mrs. Joel Richert, Vice Chairman	14
Mr. William Light (resigned 10/01/01)	4 of 4
Mr. Clayton Grogan (resigned 10/31/01)	3 of 4
Mr. Kit Hale	14
Mr. William Poe (appointed 11/01/01)	9 of 9
Mr. Phillip Lemon (appointed 12/03/01)	8 of 8

BOARD OF ZONING APPEALS
July 1, 2001 through June 30, 2002

CASE NO.	NAME	ADDRESS	REQUEST	CODE SECTION	CONDITIONS	DECISION
49-01V-A	Whorley	3151 Gum Spring Street, S.E.	24 foot front yard setback for porch expansion	76(a)		Denied
50-01S-A	Hurd	Greenbrier Street, S.E.	Duplex	108(1)	Conditions on driveway, parking, landscaping	Granted
51-01S-A	Hurd	Greenbrier Street, S.E.	Duplex	108(1)	Conditions on driveway, parking, landscaping	Granted
52-01S-A	Natt/First Choice Homes	Belle Avenue, N.E.	Ten townhouses	108 (2)	Conditions on landscaping, configuration of buildings, parking, etc.	Granted
53-01S-A	Natt/First Choice Homes	Dell Avenue, N.E.	Five townhouses	108(2)	Conditions on parking area, substantial conformance to plans submitted	Granted
54-01V-A	Shumate	148 Frontier Road, N.E.	Front yard setback variance for addition to front porch	76(a)		Denied
55-01V-A	Habitat for Humanity	715 Patterson Avenue, S.W.	Construction supplies sales in 12983 square foot area	249	Conditions: Only Habitat for Humanity sales, Habitat for Humanity only tenant, hours of operation 8 – 5 Tues thru Sat, no light trespass, only items allowed by code for sale	Granted
56-01S-A	Duncan	1682 Monterey Road, N.E.	Congregate Home	90(2)	5 years	Granted
57-01S-A	Roanoke Times	100 block Salem Avenue, S.W.	Manufacturing process plant	228(5)	Conditions: construction adhere to submitted concept plan, no outdoor storage of raw or finished material	Granted
58-01S-A	Springtree Healthcare	3339 King Street, N.E.	Group Care facility- change of plan design	127 (1)	Conditions: additional fence buffering required, construction in conformance to submitted plan	Granted
59-01S-A	Devon Communications	320 Hershberger Road, N.W.	Six telecommunication Antennae	228 (4)		Granted
60-01S-A	Devon Communications	37 Church Avenue, S.W.	Six telecommunication antennae	228 (4)		Granted
61-01S-A	Strawn					Cancelled
62-01V-A	Roanoke Times	100 block Salem Avenue, S.W.	One foot-Flood Plain variance	364(f)		Granted
63-01S-A	Midwest Car Care	Parcel on Coulter Road, N.W.	Car rental fleet Storage	250(5)		Granted
64-01S-A	Berkovic	2737 Lofton Road,	Tailoring, personal service	90 (10)	Three years	Granted

65-01S-A	Windsor Hills United Meth. Church	S.W. 3591 Windsor Road, S.W.	home occupation Toddler day care	72 (12)	Conditions: # of children allowed subject to req. of 75 sq ft. outdoor play area for each child	Granted
66-01S-A	Paula Ward	3711 Signal Hill Avenue, N.W.	Alterations as Personal Service Home Occupation	90 (10)	Three Years	Granted
67-01S-A	Roanoke City Schools	Andrews Road, N. W.	Elementary School	90 (4)		Granted
68-01S-A	Wayne A. Hicks	2102 Moorman Avenue, N.W.	Barber Shop as PSHO	127 (5)	Two years	Granted
69-01V-A	Susan V. Brady	1804 Main Street, S.W.	Six foot privacy fence in secondary front yard	402(b)(1), 402(b)(4)		Withdrawn
70-01S-A	Donald Crenshaw	1114 Moorman Road, N.W.	Paint and Body Shop	207 (5)	Continued to 12/01 for more info on Village Centers – Granted for three years	Granted
71-01S-A	US Cellular	1582 Reynolds Road, S.E.	Telecommunications Tower	108(12)	Equipment removed in 90 days if not used for 9 months	Granted
72-01V-A	US Cellular	1582 Reynolds Road, S.E.	Tower to be 109 feet in height	112		Granted
73-01S-A	Kevin Hurley	1360 Maple Avenue, S.W.	Photographic Studio	186(6)		Granted
74-01S-A	Parsell/Ziegler	191 Wildhurst Avenue, N.E.	Duplex	107	Continued to Jan 2002 for better plans-Conformance to submitted plans and added columns on front porch	Granted
75-01V-A	Rosalind Hills Baptist Church	2711 Laburnum Avenue, S.W.	52 foot height for addition	131		Granted
76-01S-A	Tearser Gill	2319 Delaware Street, N.W.	Day care for up to 15 children	90(5)	Three years	Granted
2002						
01-02V-A	C. David Woodie	1810-1916 Archbold Avenue, N.E.	Accessory Structure (enclosed dumpster) to be closer to street than principal structure	531 (e)	Fully enclosed with gated/fenced area from ground to height equal to or greater than dumpster	Granted
02-02S-A	Ron Rubin Cellco/Verizon	4910 Valley View Boulevard, N.W.	Telecommunication facility (three antennae)	207 (9)	Continued until Feb. 2002, April 2002-Equipment removed within 90 days if not used for more than 6 months	Granted
03-02S-A	Marzennia Warren	1302 Staunton Avenue, N.W.	Congregate Home	108(3)	Withdrew this request after denial of variance 04-02V-A	Withdrawn
04-02V-A	Marzennia Warren	1302 Staunton Avenue, N.W.	Congregate home within 1500 feet of another cong.	562(a)(2)		Denied

			Home			
05-02S-A	Edith Burton	2204 Brambleton Avenue, S.W.	Continuation of beauty shop as PSHO	72(a)(6)	Five Years	Granted
06-02S-A	Brian Carter	702 Montrose Avenue, S.E.	Duplex conversion	108 (1)	Replace concrete between sidewalk and front of building with grass	Granted
07-02S-A	Takiyah Barlow	3646 Cove Road, N.W.	Beauty Shop as PSHO	90 (10)	Five Years	Granted
08-02S-A	Ed Natt Hallmark Construction	Vacant lot on Liberty Road # 3090501	Construction of a duplex	108 (1)	Continued until April 9 Stated Conditions	Granted
09-02S-A	Gail D. & Ronald Terry	3027 Lorraine Road, N.W.	Continuation of barber/hair salon	108(10)	5 years	Granted
10-02S-A	Nannie L. Greene	3127 Kirkland Drive, N.W.	Continuation of beauty salon	90(10)	5 years	Granted
11-02S-A	Edith E. Forrest	1707 Carroll Avenue, N.W.	Continuation of beauty salon	108(10)	5 yrs.	Granted
12-02A-A	Robert Young	Carver Avenue #2041701, 2041702, 2041703	Appeal of notice of violation permitted uses in an LM district	1	Set for May hearing Continued until June hearing due to illness emergency of Mr. Young's wife	Upheld Zoning Administrator's ruling
13-02V-A	All Pollard, Neil Kessee, JS-1 Investments	Jefferson Street, S.E.- parking lot Tax #4010303	Variance from adherence to plans	678		Denied
14-02S-A	Glenna Caldwell	419 Houston Avenue, N.E.	Continuation of beauty salon	72(6)	5 yrs.	Granted
15-02V-A	Ed Natt/Bennie Ellis	Cannaday Road, N.E. 4.3 acres	Road frontage 22.3 feet of one subdivided lot	91	Only one house to be built on each lot	Granted
16-02S-A	Lemuel H. Newsome	1713 Plantation Road, N.E.	General Warehouse w/ retail sales	271(4)		Granted
17-02S-A	Greg Tully Shenahdoah Tower Inc.	5050 Rutgers Street, N.W.	Telecommunications facility on rooftop	207(9)	Withdrawn upon approval of 1366 Town Square Boulevard site in July	Withdrawn
18-02S-A	Joseph R. Marx Towers Shop Center	698 Brandon Avenue, S.W.	Seven day tent sale of sparklers	412 (b)	June 27 – July 4, 2002, 2003, 2004, 2005, 2006	Granted
19-02S-A	Homier Distributing	1419 Hershberger Road, N.W.	Four day tent sale of tools, furniture	412 (b)	Related to July 4 holiday in 2002	Granted
20-02S-A	Karen Lovelace	2508 Cannaday Road, N.E.	Continue beauty salon as PSHO	90 (10)	Five Years	Granted

21-02A-A	Ross Hart for David Mendoza	213 Floyd Avenue, S.W.	Appeal of ZA ruling use of house as triplex not grand-fathered	594(a)		Withdrawn
22-02S-A	Joseph Melki & Yaghoub Mahgerefteh	3645 Williamson Road, N.W.	Auto sales on less than 20,000 square foot lot	207(4)		Withdrawn
23-02V-A	Matthew & Kaari Winland	138 24 th Street, S.E.	Fence in secondary front yard 8' high	402(b)(1)		Granted
24-02S-A	James M. McKnight	1636 9 th Street S.E.	Wholesale distribution of goods	207(7)		Granted
25-02S-A	Triton/Suncom	3787 Parliament Drive, S.W.	Telecommunication facility stealth flagpole	127(7)		Granted
26-02V-A	Triton/Suncom	3787 Parliament Drive, S.W.	Flag Pole Telecommunications 72 feet	131	No flag will be flown on pole	Granted
27-02V-A	Parsell/Ziegler Contractors	191 Wildhurst Avenue N.E.	Subdivided lot with 24 foot road frontage	109		Granted
28-02S-A	Barbara Maberry	3920 High Acres Road, N.W.	Continuation of Beauty Salon As PSHO	90(10)	Five Years	Granted
29-02S-A	Pamela D. Kampf-Persinger	2109 Berkley Avenue, S.W.	Continuation of speech therapy, audiology operation As PSHO	90(10)	Five Years	Granted
30-02S-A	Carol Reed	3763 New Spring Branch Road, S.E.	Continuation of beauty salon as PSHO	108(10)	Five Years	Granted
31-02S-A	Kristi Mainwaring	2716 Yellow Mountain Road, S.E.	Bed & Breakfast	72(7)	Five Years	Granted
32-02A-A	Sharlene Sutphin	114 Huntington Boulevard, N.E.	Appeal of ZA ruling use of house as triplex not grand-fathered	594(a)		Upheld Zoning Administrator's Ruling
33-02S-A	Bruce Carr	719 Orange Avenue, N.E.	Continuation of Auto Sales Lot	207(4)		Granted
34-02S-A	William G. Crouch Jr.	1001 Gus Nicks Boulevard, N.E.	Continuation of Paint shop	207(5)	Five Years	Granted
35-02S-A	Linda Ballantine	4215 Melrose Avenue, N.W.	Mini Warehouse	207(6)	Conditions	Granted
36-02S-A	Site Solutions/Verizon	4145 Wyoming Avenue, N.W.	Telecommunication antennae on Water Tank	90(12)	Conditions	Granted

SUMMARY OF BOARD ACTION July 1, 2002 through June 30, 2003

During the fiscal year of July 1, 2002 through June 30, 2003, the Board of Zoning Appeals heard 49 requests. These applications consisted of 12 Variance requests, 37 Special Exception requests, and no Appeals.

SUMMARY

VARIANCES APPROVED	7	SPECIAL EXCEPTIONS APPROVED	28
VARIANCES DENIED 2 withdrawn	3	SPECIAL EXCEPTIONS DENIED 7 withdrawn	2

ATTENDANCE

There were 11 regular hearings held in this fiscal year.

BOARD MEMBER	ATTENDANCE (11 hearings total)
Mr. Benjamin S. Motley	11
Mrs. Joel Richert	10 of 11
Mr. Joe Miller (appointed 12-16-02)	5 of 5
Ms. Diana Sheppard (appointed 8-5-02)	10 of 11
Mr. Kermit E. "Kit" Hale	11
Mr. William Poe	10 of 11
Mr. Phillip Lemon	11

BOARD OF ZONING APPEALS
July 1, 2002 through June 30, 2003

CASE NO.	NAME	ADDRESS	REQUEST	CODE SECTION	CONDITIONS	DECISION
37-02S-A	Mary Dame	3026 Linwood Road, N.W.	Continue Beauty Salon as PSHO	108(10)	5 years	G
38-02S-A	Sonia Stone	2227 Hollins Road, N.E.	Continue Dressmaking as PSHO	108(10)	1 year – no signs, no front yard parking lot, only 25% of space, no employees	G
39-02S-A	Deborah Mint	5308 Frontier Road, N.E.	Continue Beauty Salon	90(10)	5 years	G
40-02S-A	Joe Lambert	2905 Brambleton Avenue S.W.	Continue FF Restaurant Shaved Ice Stand	207(2)		G
41-02S-A	US Cellular	1366 Town Square Boulevard, N.W.	Telecommunication facility-100 Foot high pole	207(9)	Accessory building treatments must be alike, Pine tree screening, 15 foot height limitation On accessory buildings	G
42-02S-A	Parsell/Zeigle	Mansfield St./back of 191 Wildhurst Avenue, N.E.	Duplex	108(1)	Landscaping, building to be like previous one Built at 191 Wildhurst, fencing	G
43-02V-A	Cox	2562 Creston Street, S.W.	Existing Dwelling to have 0 foot Side yard setback	76(b)		W/D
44-02S-A	Trout	2718 Williamson Rd., N.W.	Paint/Body Shop	207(5)		G
45-02S-A	Withdrawn					
46-02S-A	Rakes	1401 Peters Creek Road, N.W.	Continue alteration business	186(6)		G
47-02S-A	Tingler	249 Cherry Hill Road, N.W.	Continue Beauty Salon as PSHO	90(10)	5 years	G
48-02V-A	Chorba	1801 Belleville Road, S.W.	Increase non-conforming structure by adding 1 story on top of existing garage	655(a)	Substantial conformance to plans, siding Similar to principal structure, no plumbing In accessory structure	G
49-02S-A	Bethany Hall	1109 Franklin Road, S.W.	Group Care Facility	186(3)		G
50-02V-A	Bethany Hall	1109 Franklin Road, S.W.	Group Care Facility within 1500 feet of another	562(b) (2)	No exterior expansion or alteration to building occupied by group care facility	G
51-02S-A	J. Galen Hamlin	2240 Shenandoah Avenue, N.W.	Storage and Warehouse facility	207(7)		CLOSED
52-02S-A	Michele D.	3424 Orange Avenue,	Fast Food Restaurant-Coffee	207(2)	Skirting from trailer to ground matching	

	Kelley	N.E.	Shop		exterior of trailer No exterior storage of water or waste water	G
53-02S-A	Ayers	3021 Fleming Avenue, N.E.	Sale of Car Trailers & Towing Vehicles	207(4)	5 years No trailers or to vehicles closer to street than front of building	G
54-02S-A	Straight Street	1321 Campbell Avenue S.W.	Group Care Facility – run a way Teens	127 (1)		DENIED
55-02V-A	Straight Street	1321 Campbell Avenue S.W.	Group Care Facility within 1500 feet of another one	562(b), (2)		DENIED
56-02S-A	Dan Billings/ John Gibson	2141 Holley Road, N.E.	Duplex	108 (10)		W/D
57-02S-A	Donna K. Corriher	3716 Ventnor Road, S.E.	Beauty Salon as PSHO	108(10)		G
58-02S-A	US Cellular	2306 Peters Creek Road, N.W.	Telecommunications facility	127 (9)		G
59-02V-A	US Cellular	2306 Peters Creek Road, N.W.	199 foot height for tower	131		G
60-02S-A	Larry & Rhonda Conner	547-555 Campbell Avenue, S.W.	Multifamily dwelling	186 (1)		W/D
61-02S-A	CAT Com- munications	3435 Chip Drive, N.E.	Call Center and professional Offices	250 (4)		G
62-02S-A	Center of Hope		Definitions	25		W/D
63-02S-A	Tom Branch	3353 Orange Avenue, N.E.	Special exception for one tenant To occupy building as a credit Card collection center	250 (4)		G
2003						
01-03V-A	Michael Ferguson	2326 Memorial Ave, SW, #1431501	Rear yard Set back of 17' in Lieu of 25'	36.1-93(c)		D
02-03V-A	Ed Natt	4938 Hidden Valley Rd SW, #5120115	Install new light fixtures at Athletic field adjacent to Hidden Valley Middle & Junior High School	36.1-77		D
03-03S-A	Wendel D. Cook	2139 Broadway Ave S.W., #1050237	For profit residential program For young women between the Ages of 14-18	36.1-127, item (1)		D

04-03S-A	Maryellen Goodlatte For Big Lick Realty	1107 Williamson Rd N.W., 3024001X	To expand an existing Automobile dealership	36.1-288, Item(3)	Approved amended application for site development to be in substantial conformity To landscaping plan	G
05-03V-A	Mike Pace for The Roanoke Mental Hygiene Service, Inc.	611 McDowell Ave N.W., #2120701	To create 2 legal lots by Dividing an existing structure and Parcel into 2 separate Entities	36.1-0130		G
06-03S-A	Tim Shepherd	354 Salem Avenue, S. W., #1010804	Special exception for small Manufacturing co.	36.1-228, section 5	No installation of any parts, pieces, or items fabricated on the premises relative to automobile repair, maintenance or restoration and that a Certificate of Occupancy must be obtained for this portion of the building prior to the commencement of any fabrication activities.	G
07-03S-A	Patricia Weekly	638 Elm Avenue, SW, #1120705	Special Exception Beauty Shop	36.1-108 item(10)	5 year limit; off-street parking limited to 2 cars in circular driveway, not crossing the sidewalk or bisecting the circle; driveway used in the manner originally designed	G
08-03S-A	Charles F. Homier, Jr.	1419 Hershberger Rd. NW, #6660105	Special Exception 4 day tent Sale month of June, 2003	36.1-412(b)	Approved for four day tent sale from June 5 – 8, 2003	G
09-03V-A	Susan B. Whately	3479 Peakwood Dr. SW, #1090605	Variance rear yard set back 15' in lieu of 30	36.1-76(d)		W/D
10-03V-A	Richard L. Hall for Virginia Lutheran Homes, Inc	3837 Brandon Ave., #5200117	Variances for 75 square foot Illuminated sign in lieu of the Maximum allowed 15 square Foot illuminated sign	36.1-443(b) and 36.1-443(b)(3)	Con't. to 5/13/2003	G
11-03V-A	Adventure Entertainment, Inc.	2203 Orange Avenue, N. E., #3330401	Variance for front yard setback From 25 ft to 10 feet	36.1-211(a)	the building as shown on the site plan be limited to one story in height.	G
12-03S-A	Preston Oaks Baptist Church	102 Preston Oaks Ave, NE, #3191211-3191218, & 3200801	Special Exception Montessori School	36.1-90, item (4)	that the enrollment be limited to 30 students on any given day; that the special exception be granted for a five year time period; that the school will only encompass the areas indicated on the plans; and that no additional accessory structures shall be added to the property for the school.	G
13-03S-A	Pamela	2730 Brooklyn Drive,	Special Exception day care	36.1-90, Item (5)	5 year time limit	G

	Taylor	N.W., #2470821				
14-03S-A	Big Lick Realty, LLC	1107 Williamson Road N. E., 3024001X	Special Exception to amend Comprehensive plan	36.1-646(b)		W/D
15-03S-A	Scott Robertson Memorial Fund	3707 Densmore Road N.W., # 2670906, Portion of 2671005 & 2670902	Special Exception for outdoor Golf recreational facility	36.1-90, item (9)	that the variance be granted in substantial conformity with the elevation/dimensional rendering of the proposed sign and that only the white text and graphics shown on the sign shall be illuminated.	G
16-03S-A	Norman Mason for Mason Properties, Inc.	415 Campbell Ave., S.W., #1010706, 1010705, 1010707	Special Exception for non-Profit veterinary medical Clinic	36.1-228, item (6)		G
17-03S-A	Jeffrey P. Kennard	2818 Crystal Spring Avenue, SW, #1062311	Special Exception for freelance Graphic design as personal service home occupation	36.1-72, Item (6)		G
18-03S-A	Clare Sieffert	124 Christian Ave., NE, #3191133	Art studio as a personal service Home occupation	36.1-90, item (10)		W/D
19-03S-A	Jan L. Jackson	1501 Lafayette Blvd., NW, #2450214	Day care	36.1-90, Item (6)		G
20-03S-A	Corey S. Reed	4214 Williamson Road NE, #2169617	Used car auto sales lot	36.1-207, item (6)		G
21-03S-A	Sonia L. Stone	2227 Holling Road, N.E., # 3121820	Custom dressmaking	36.1-108, item (10)		G
22-03V-A	Carilion Health System	127 McClanahan St, S.W., #1040902	3 Level Heart Center	36.1-188		G

GLENN
FELDMANN
DARBY &
GOODLATTE

HARWELL M. DARBY, JR.
Direct Dial (540) 224-8006
E-mail hdarby@gfdg.com

210 1st Street S.W.

Suite 200

Post Office Box 2887

Roanoke, Virginia 24001

540.224.8000

Fax 540.224.8050

gfdg@gfdg.com

August 13, 2003

HAND DELIVERED

Mary F. Parker
City Clerk, City of Roanoke, Virginia
456 Municipal Building
215 Church Avenue, S.W.
Roanoke, VA 24011

RE: Industrial Development Authority of the City of Roanoke, Virginia

Dear Mary:

I am delivering with this letter the Third Annual Report of the Industrial Development Authority of the City of Roanoke, Virginia.

Very truly yours,



Harwell M. Darby, Jr.

HMDJR:1ww:0042000

Enclosures:

Third Annual Report of the Industrial Development Authority
Minutes of all meetings of the Industrial Development Authority

cc: Directors, Industrial Development Authority
(with report enclosed)



Third Annual Report

The Industrial Development Authority of the City of Roanoke, Virginia

To: The Members of Council of the City of Roanoke

Name and Organization:

The Industrial Development Authority of the City of Roanoke, Virginia was organized pursuant to ordinance adopted by the City Council October 21, 1968. It has been in continuous operation and has assisted the City's economic development efforts in meeting to approve of small issue and 501(c)3 industrial development revenue bond financings.

Membership:

There are seven members of the IDA which are appointed by Council for 3 year terms. As of the date of filing of this report the membership, officers and terms are as follows:

<u>Name</u>	<u>Office</u>	<u>Expiration of Term</u>
Lynn D. Avis	Chairman	October 20, 2003
Dennis R. Cronk	Vice Chairman	October 20, 2005
Margaret R. Baker	Secretary-Treasurer	October 20, 2003
William L. Bova		October 20, 2004
Charles E. Hunter, III		October 20, 2004
S. Deborah Oyler		October 20, 2004
A. Damon Williams		

Staffing:

The IDA uses the City of Roanoke Economic Development Department's staff and works in close conjunction with Elizabeth Neu.

The IDA has determined to establish a regular meeting date the second Wednesday of every other month. The meeting dates for the remainder of this calendar year are August 13, September 10, October 8, November 12 and December 10. The meetings will be held at 8:00 a.m. at the City of Roanoke, Department of Economic Development, 111 Franklin Plaza, Roanoke, Virginia.

For the fiscal year ended June 30, 2003 the IDA held 6 meetings; it's average attendance was 5, the attendance of the various members is as follows:

ATTENDANCE ROSTER
Industrial Development Authority

Directors	7/10/02	10/30/02	11/21/02	2/12/03	4/9/03	5/28/03
Lynn D. Avis	Present	Present	Present	Present	Present	Present
Margaret R. Baker	Present	Present	Present	Present	Absent	Present
William L. Bova	Present	Absent	Present	Present	Absent	Present
Dennis R. Cronk	Present	Present	Present	Present	Present	Absent
Charles E. Hunter, III	Present	Absent	Present	Present	Present	Present
Stark Jones*	Present	Present	N/A	N/A	N/A	N/A
S. Deborah Oyler	Present	Present	Absent	Absent	Present	Present
A. Damon Williams*	N/A	N/A	N/A	N/A	Present	Absent

Mr. Jones term of office expired October, 2002 and was replaced by Mr. Williams in March, 2003.

Activities in Fiscal Year 2003:

This year the IDA:

- Approved and disbursed the remaining reimbursement funds in the amount of \$500,000 to Advance Auto pursuant to their Performance Agreement from last year.
- Approved the funding of façade grants as follows:
Mexicorp, Incorporated for \$11,704;
SNC Properties, LLC for \$9,025.50; and
Angell Associates for \$18,150.00.
- Assisted the Virginia Lutheran Homes in financing a new facility and upgrading their current facility.
- Entered into an amendment to the Loan Agreement with Cooper Industries.
- Worked with WELBA I, LLC to assist it in its financing needs by inducing a manufacturing project in the amount of \$6,000,000.
- Worked with Carilion Health System to assist it in its financing needs by approving another bond issue in the amount of \$110,000,000 of which \$50,000,000 is new bond funds and the remaining \$60,000,000 is refunding money.
- Made an economic development grant to the Carilion Biomedical Institute in the amount of \$50,000.

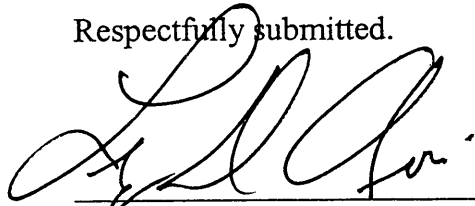
- Received regular briefings on economic activities from Elizabeth A. Neu.

The IDA looks forward to continuing its close partnership in economic development with the City of Roanoke and stands ready to work as a full economic development partner with other members of the City's team.

Respectfully submitted.

Date: _____

8/13/03



Lynn D. Avis,
Chairman

**MINUTES OF THE THE MEETING OF THE INDUSTRIAL DEVELOPMENT
AUTHORITY OF THE CITY OF ROANOKE, VIRGINIA
8 A. M. - JULY 10, 2002
ROANOKE ECONOMIC DEVELOPMENT OFFICE**

PRESENT: Lynn D Avis, Margaret R. Baker, William L. Bova, Charles E. Hunter, III
Dennis R. Cronk, S. Deborah Oyler, Stark H. Jones

ALSO PRESENT: Harwell M. Darby, Jr. - Attorney for the Authority
Beth Neu - Director of Economic Development, City of Roanoke
Linda Bass, City of Roanoke

Chairman Lynn D. Avis called the meeting to order and declared a quorum present.

FACADE GRANT APPLICATION

Beth Neu explained that the Industrial Development Authority has a lot of powers besides Industrial Revenue Bonds and that Facade Grants was one of the powers available. She said Mexicorp, Incorporated had requested a grant in the amount of \$11,704 for renovating the four sides of their building at 325 Jefferson Street. She said City Manager Darlene Burcham had approved this grant through the city, and they were asking the Industrial Development Authority to accept the money from the state and then write a check to Mexicorp for the requested amount.

After discussion, upon motion made by Billy Bova, seconded by Dennis Cronk, and unanimously passed, the Authority will accept the money from the state and in turn write a check to Mexicorp for the requested amount.

ADVANCE AUTO REIMBURSEMENT REQUEST

Attorney Darby reported that Advance Auto has completed the refurbishing of its facility at Crossroads Mall, and they are now asking for the full \$500,000 of funding, \$17,000 of which is coming from the government. He said they are under regulation to create 230 new jobs from this project.

Upon motion by Billy Bova, seconded by Dennis Cronk and unanimously passed, the Advance Auto Reimbursement Request was approved.

PERFORMANCE AGREEMENT EXTENSION - SOUTHERN LANE GROUP

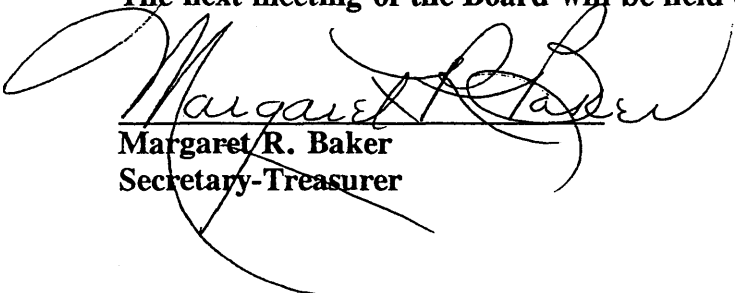
Beth Neu reported that City Manager Darlene Burcham had received a letter requesting that the Southern Lane Group Performance Agreement be extended. The extension was granted by the City Manager, and no action was required by the Industrial Development Authority Board.

IDA AUDIT

Chairman Lynn Avis reported that he had received a letter and proposal from Miller, Morgan, Agee & Clem for the audit of the IDA books for the next three years. He said the cost for the year ending June 30, 2002 would be \$2,380, for the year ending June 30, 2003 - \$2,450, for the year ending June 30, 2004 \$2,525. Chairman Avis made a motion that the contract be signed with Miller, Morgan, Agee & Clem for the three years. The motion was seconded by Margaret Baker and was unanimously approved by the Board.

NEXT MEETING

The next meeting of the Board will be held on August 14, 2002, unless otherwise notified.



Margaret R. Baker
Secretary-Treasurer

**MINUTES OF THE MEETING OF THE INDUSTRIAL DEVELOPMENT
AUTHORITY OF THE CITY OF ROANOKE, VIRGINIA
OCTOBER 30, 2002 - 8 A.M.
DEPARTMENT OF ECONOMIC DEVELOPMENT - CITY OF ROANOKE
111 FRANKLIN PLAZA**

PRESENT: Lynn Avis, Margaret Baker, Dennis Cronk, Stark Jones, Deborah Oyler

ABSENT: William L. Bova, Charles E. Hunter, III, Elizabeth A. Neu, Department of
Economic Development, City of Roanoke

ALSO PRESENT:

Sam Vance, Attorney, Glenn, Flippin, Feldmann & Darby
Edward A. Natt, Attorney, Virginia Lutheran Homes

Chairman Lynn Avis called the meeting to order and declared a quorum present.

MINUTES

There being no corrections to the July 10, 2002 minutes, upon motion made, seconded and passed, the minutes were approved as written.

PUBLIC HEARING AND RESOLUTION - VIRGINIA LUTHERAN HOMES

Attorney Sam Vance called the Public Hearing to order and asked if there was anyone who would like to be heard. There being no one, the meeting proceeded.

Attorney Natt explained the changes and additions that Brandon Oaks would be making. He said they are building a new facility across the street from the present one, and they are upgrading the present facilities.

Upon motion made by Dennis Cronk, seconded by Deborah Oyler, the Virginia Lutheran Homes resolution was unanimously passed as presented.

COOPER INDUSTRIES

Attorney Sam Vance said that sufficient information had not been given for action to be taken on the Cooper Industries resolution and asked that it be tabled.

ADJOURNMENT

There being no further business, the meeting was adjourned.


Margaret R. Baker

**MINUTES OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF ROANOKE
BOARD OF DIRECTORS MEETING - NOVEMBER 21, 2002 - 8 A.M.
DEPARTMENT OF ECONOMIC DEVELOPMENT - CITY OF ROANOKE
111 FRANKLIN PLAZA**

PRESENT: Lynn Avis, Margaret Baker, William Bova, Dennis Cronk, Charlie Hunter,
ABSENT: Deborah Oyler

ALSO PRESENT: Harwell M. Darby, Jr. - IDA Attorney
Richard Hall - Virginia Lutheran Homes.

Chairman Lynn Avis called the meeting to order and declared a quorum present.

OCTOBER 30, 2002 MINUTES

There being no corrections to the October 30, 2002 minutes, upon motion made by William Bova, seconded by Dennis Cronk, the minutes were approved as written.

VIRGINIA LUTHERAN HOMES BOND RESOLUTION

Richard Hall briefly described the plans for Virginia Lutheran Homes.

Upon motion made by Dennis Cronk, seconded by Charlie Hunter, the Virginia Lutheran Homes Bond Resolution was unanimously passed.

COOPER INDUSTRIES LOAN AGREEMENT AMENDMENT

Attorney Darby noted that in 1994, The Authority entered into a loan agreement with Cooper Industries. He said that as a result of reorganization, they are requesting a Loan Agreement Amendment and that the Loan Agreement Amendment was in order.

Upon motion made by William Bova, seconded by Dennis Cronk, the Loan Agreement Amendment was accepted as presented.

MEXICORP

Beth Neu reported she had received a letter from Mexicorp advising that their project which was approved by the IDA Board would be completed around the first of March.

INDUSTRIAL DEVELOPMENT AUTHORITY DIRECTORS

Attorney Darby said that Stark Jones had resigned from The Authority Board, and a

replacement for him would be needed.

Several names were suggested, and Chairman Avis will present suggested names to City Council.

ADJOURNMENT

There being no further business, the meeting was adjourned.



Margaret R. Baker
Margaret R. Baker, Secretary

**MINUTES OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF
ROANOKE, VIRGINIA MEETING - FEBRUARY 12, 2003 - 8 A.M.
ROANOKE REGIONAL PARTNERSHIP OFFICE
FRANKLIN PLAZA**

PRESENT: Lynn D. Avis, Margaret Baker, Billy Bova, Dennis Cronk, Charlie Hunter

ABSENT: Deborah Oyler

ALSO PRESENT:

Sam F. Vance, IV, Attorney, Beth Neu, Department of Economic
Development, City of Roanoke, Phil Sparks, Roanoke Regional Partnership

Chairman Lynn D. Avis called the meeting to order.

FUNDING REQUEST FOR PORT OF ENTRY - ROANOKE VALLEY

Phil Sparks gave a detailed report on the Port of Entry (New River Valley Airport or Roanoke Airport) and explained that additional funding was necessary if the Port was to remain in the area. He said if the money to keep the Port of Entry here did not become available, companies in the Roanoke area would suffer from the loss. He said the potential for the Port to remain in Roanoke was tremendous. Sparks said they desperately need the money for training -- they are \$75,000 shy of what is needed. He said a letter had been sent to all Valley governments asking for their support. He asked that the Industrial Development Authority contribute to the need.

Chairman Lynn Avis said at the present time The Authority was not in a financial position to make a contribution. He said a commitment had been made to the Biotechnology project for \$50,000 which was still to be paid and that The Authority would have to decline the request. It was the consensus of Authority members that Chairman Avis was correct and expressed regrets that The Authority could not participate in the funding.

Phil Sparks gave an update on the current activities of The Regional Partnership.

ADJOURNMENT

There being no further business, the meeting was adjourned.


Margaret R. Baker, Secretary

**Minutes of the Meeting of the
Industrial Development Authority of the City of Roanoke, Virginia
April 9, 2003, 8:00 a.m.**

The Industrial Development Authority of the City of Roanoke, Virginia pursuant to a Meeting Notice dated March 29, 2003, at 8:00 a.m. on April 9, 2003 in the Board of Directors Meeting Room of the City of Roanoke Department of Economic Development, 111 Franklin Plaza, Suite 333, Roanoke, Virginia 24011.

Present were:

Lynn D. Avis, Chairman
Dennis R. Cronk
C. E. Hunter, III
S. Deborah Oyler
A. Damon Williams

Absent due to illness was Margaret R. Baker, Secretary-Treasurer. Also absent was Billy Bova.

Also present were:

Harwell M. Darby, Jr., Attorney to the Authority
Linda Wirt, Assistant to Harwell M. Darby, Jr.
J. Ryan Lingerfelt from WELBA I, LLC
Allen Lingerfelt from WELBA I, LLC
Bob Hice from Semco, Incorporated
Arthur Anderson, Esquire, McGuire Woods LLP
Robert Crawford, Realtor
Elizabeth A. Neu, Director, Department of Economic Development
Susan Mew, Department of Economic Development.

Chairman Lynn Avis called the meeting to order at 8:08 a.m. and declared a quorum present.

Mr. Darby was dispatched to Suite 200, 111 Franklin Plaza to insure that no members of the public had appeared for the public hearing. He reported to the Chairman that none were present. A public hearing was held regarding the proposal of WELBA I, LLC for the construction of a manufacturing facility in the Roanoke Centre for Industry & Technology. The public hearing was closed by the Chairman.

J. Ryan Lingerfelt presented the IDA with the project plans for the WELBA I, LLC construction project of a 104,000 square foot manufacturing facility at the Roanoke

Centre for Industry & Technology which will be leased to Semco, Incorporated. Construction is expected to begin immediately and completion is projected to be November, 2003.

Upon Motion of Dennis Cronk and seconded by Deb Oyler, the Inducement Resolution was passed with five (5) affirmative votes.

The Chairman then welcomed A. Damon Williams as its newest member.

The Assistant Secretary-Treasurer presented the Treasurer's report to the Authority and there was discussion as to the source of the funds.

Prior to election of officers, the Chairman then informed the Authority that his term and that of Margaret Baker would be expiring in October, 2003. He advised that he would not reapply for appointment to the Authority. He then requested that a committee be appointed consisting of Dennis Cronk and Chuck Hunter to prepare a slate of new officers and seek other members of to be appointed to the Authority. The committee shall report back to the Authority at its next meeting. Motion was made by Chuck Hunter and seconded by Deb Oyler to table the election of new officers until the next meeting.

The Authority then received a presentation from Beth Neu and Susan Mew regarding the Enterprise Zone façade grant application of Angell Associates for the renovation of its property at 126-128 Campbell Avenue, S.W. Total construction costs are estimated to be \$55,000 of which one-third or \$18,150 is the amount of the grant. Upon motion of Dennis Cronk and second by Chuck Hunter, the grant was unanimously approved.

Susan Mew presented the application of SNC, Properties, LLC for façade improvements to their property at 202 Market Square. Total construction costs are estimated to be \$27,350 of which one-third or \$9,025.50 is the amount of the grant. Upon motion of Dennis Cronk and second by Chuck Hunter, the grant was also unanimously approved.

Dennis Cronk asked for a brief review of the Enterprize Zone One program and the Authority was reminded that it is a State program which was instituted in 1984 and which expires December 31, 2003. Ms. Neu and Ms. Meuller indicated that the State has informed them that the City must reapply for an Enterprize Zone and that process will begin in the next couple of months. They are optimistic that the City's application will be approved.

Ms. Mueller indicated that there has been recent interest in the Façade Grant Program and anticipates that she will be receiving more applications in the very near future. The

program was funded by the City with \$100,000 and approximately half of those funds remain available. The Authority is the conduit for the disbursement of those City funds.

Attorney Darby indicated that the Authority had received communication from Miller, Miller, Morgan & Clem indicating that Terrence M. Clem had left the firm and that the firm remained committed to performing the audits for the Authority for the outstanding term of the audit agreement (2 years). By way of information, Mr. Darby indicated that the Authority had been solicited by Mr. Clem and others to take over the audit of the Authority. The Authority took no action on the information presented by Mr. Darby and the agreement with Miller, Miller, Morgan & Clem remains in place.

There being no further business the meeting was adjourned at 8:50 a.m.

Respectfully submitted,

Harwell M. Darby, Jr.
Assistant Secretary/Treasurer

**MINUTES OF THE MEETING OF THE INDUSTRIAL DEVELOPMENT AUTHORITY
OF THE CITY OF ROANOKE, VIRGINIA - MAY 14, 2003
ROANOKE CITY ECONOMIC DEVELOPMENT CONFERENCE ROOM**

PRESENT: Lynn D. Avis, Margaret R. Baker, William L. Bova, Charles E. Hunter, III,
Deborah Oyer

ABSENT: Dennis R. Cronk, A. Damon Williams

ALSO PRESENT:

Harwell M. Darby, Jr., Attorney for the Authority; Linda Wirt, Assistant to Attorney Darby; Samuel F. Vance, Glenn, Feldmann, Darby & Goodlatte, Rob Vaughan, Carilion Health System, Beth Neu, Director, Department of Economic Development, Paul Lee, McDonough, Bolyard & Peck, Engineers

Chairman Lynn Avis called the meeting to order and declared a quorum present. He then turned the meeting over to Attorney Darby.

Attorney Darby said the purpose of the meeting was to conduct a Public Hearing on the proposed issue of \$50 million of Industrial Revenue Bonds to finance the new construction and also equipment purchases at Carilion Roanoke Memorial Hospital and Carilion Community Hospital. He said the Public Hearing had been advertised, but it would be appropriate to see if anyone was present for the Public Hearing. Mr. Darby checked and reported that there was no one present. The Chairman asked for comments from any member of the public who wished to speak. No comments were received.

Chairman Lynn Avis closed the Public Hearing and turned the meeting over to Attorney Darby.

TEFRA RESOLUTION FOR CARILION SYSTEM - NEW MONEY BOND ISSUE

Attorney Darby said the Carilion resolution was for a new money bond issue that would include the many things Carilion would be doing: a 5 story parking garage; widening of the existing vehicular bridge; building two new pedestrian bridges; a seven-story mountain tower and equipment. He said in addition there would be other financing at Community Hospital. Attorney Darby said that Rob Vaughan from Carilion Health Systems was present to answer any questions. Mr. Vaughan answered several questions from directors. There being no further questions, upon motion made by William Bova and seconded by Margaret Baker, the Tefra Resolution was passed by five affirmative votes.

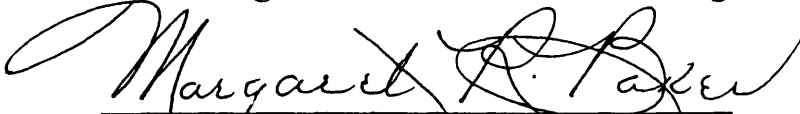
REFUNDING OF AUTHORITY'S 1993-A SERIES BONDS

Attorney Darby said in addition to the new money issue, Carilion is going to refund certain existing bonds and that will be approximately \$60 million, which will make a total Bond

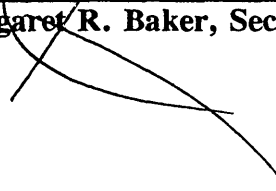
Issue of \$110 million. He said the issue will be closing at the end of July. He noted that they will be going to City Council on the new money issue on June 2, and The Authority would have to meet again for the series resolution -- probably the July 9 meeting.

ADJOURNMENT

There being no further business the meeting was adjourned.



Margaret R. Baker
Margaret R. Baker, Secretary-Treasurer



COMMONWEALTH OF VIRGINIA



DONALD S. CALDWELL
COMMONWEALTH'S ATTORNEY

AREA CODE 540 TEL. NO. 853-2626
FAX 853-1201

CITY OF ROANOKE
OFFICE OF THE COMMONWEALTH'S ATTORNEY
315 CHURCH AVENUE
ROANOKE, VIRGINIA 24016

Roanoke City Council Regular Agenda Report

August 18, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice-Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Acceptance of the Roanoke City Victim Program Grant

Background:

The Victim/Witness Assistance Program has been awarded a twelve month \$102,757 grant (#04-J8554VW03) for July 2003 through June 2004. The grant from the Department of Criminal Justice Services (DCJS) will allow the Victim/Witness Assistance Program to continue to provide comprehensive information and direct services to crime victims and witnesses in accordance with the Virginia Crime Victim and Witness Rights Act.

The Victim/Witness Program continues to operate with a full-time coordinator for the Circuit Court, as well as one full-time assistant for the Juvenile and Domestic Relations Court and one full-time assistant for the General District Court. A summary of FY 99-00, 00-01, 01-02, and 02-03 contacts documents the services of the program (see Attachment A).

The Victim/Witness Program is coordinated by the Office of the Commonwealth's Attorney.

Considerations:

The cost to the City for Grant #04-J8554VW03 would be \$25,671 as a local cash match for a total grant budget of \$128,428. The local cash match is equal to that of FY 2002-2003. It is included in the General Fund FY 2003-2004 adopted budget in the Transfer to Grant Fund Account.

Recommendations:

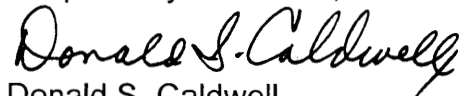
Accept the Victim/Witness Grant #04-J8554VW03 of \$102,757 with the City of Roanoke providing \$25,671 as a local cash match from the monies provided in the Transfer to Grant Fund Account in the FY 03-04 budget for a total grant of \$128,428.

Authorize the City Manager to sign and execute all appropriate documents to obtain Grant #04-J8554VW03.

Appropriate funding of \$128,428 per Attachment B and increase the corresponding revenue estimates in accounts established by the Director of Finance in the Grant Fund.

Transfer \$25,671 from the General Fund Transfer to Grand Fund Account number 001-250-9310-2535 to the Grant Fund account established above.

Respectfully submitted,



Donald S. Caldwell
Commonwealth's Attorney

DSC:jls

pc: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Mary F. Parker, City Clerk
Director of Community Development
Victim Witness Coordinator

ATTACHMENT A
Victim Witness Assistance Program
Service Summary

	Service	FY 99-00	FY 00-01	FY 01-02	FY 02-03
1.	Total Victims Contacted	990	580	991	614
2.	Total Witnesses Contacted	141	164	237	13
3.	Case Disposition, Case Status & Advance Notice of Proceedings	3,586	1,903	3,454	3,593
4.	Intercession with Schools or Employers	11	9	18	30
5.	Crisis Intervention	118	37	41	49
6.	Referral to Criminal Injuries Compensation Fund	315	245	315	122
7.	Restitution Payment Assistance	1,233	996	1,538	882
8.	Explanation of Steps in Criminal Justice System and Criminal Justice Process Options	1,465	802	1,336	581
9.	Courtroom Tours or Explanations	495	202	322	295
10.	Criminal Justice Process Support	659	360	489	415
11.	Notification Services & Explanation Regarding Prisoner Custody Status	136	56	94	54
12.	Protection Services & Explanations	388	268	277	305
13.	Appeal/Habeas Corpus Services	14	13	20	13
14.	Educational Brochures Given	2,530	1,537	2,592	2,850
15.	Amount of Restitution Collected	\$92,754	\$76,347	\$101,210	\$164,874
16.	Amount of Compensation Awarded to Victims from the Criminal Injuries Compensation Fund	\$23,507	\$72,217	\$106,432	\$78,028

Statistics listed on this page reflect some of the services being counted by the Victim Witness Program as required by the Department of Criminal Justice Services.

**ATTACHMENT B
PROGRAM BUDGET**

1002	Regular Employee Salaries	\$ 91,594
1105	City Retirement	\$ 3960
1115	ICMA Retirement	\$ 2920
1116	ICMA Match	\$ 2,340
1120	FICA	\$ 7,426
1125	Medical Insurance	\$ 10,882
1126	Dental Insurance	\$ 699
1130	Life Insurance	\$ 0
1131	Disability Insurance	\$ 257
2020	Telephone	\$ 240
2030	Administrative Supplies	\$ 779
2042	Dues and Memberships	\$ 275
2044	Training and Development	\$ 3736
2075	Printing	\$ 200
2160	Postage	\$ 2,640
7007	CIS - Personal Computer Rental/Maintenance	\$ 240
7015	Management Services	\$ 240
	TOTAL	\$128,428

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

August 18, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable W. D. "Bill" Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Victim Witness Program Grant
CO03-0004

I concur with the recommendation from Donald S. Caldwell, Commonwealth Attorney, for the City of Roanoke, with respect to the subject reference above and recommend that City Council authorize the City Manager to sign and execute all appropriate documents to obtain Grant #04-J8554VW03.

Sincerely,



Darlene L. Burcham
City Manager

DLB:sm

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2003-2004 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Judicial Administration	\$	1,018,685
Victim Witness Grant FY04 (1-16).....		128,428

Revenues

Judicial Administration	\$	1,018,685
Victim Witness Grant FY04 (17-18).....		128,428

1) Regular Employee		
Salaries	(035-150-5127-1002)	\$91,594
2) City Retirement	(035-150-5127-1005)	3,960
3) ICMA Retirement	(035-150-5127-1115)	2,920
4) ICMA Match	(035-150-5127-1116)	2,340
5) FICA	(035-150-5127-1120)	7,426
6) Medical Insurance	(035-150-5127-1125)	10,882
7) Dental Insurance	(035-150-5127-1126)	699
8) Disability Insurance	(035-150-5127-1131)	257
9) Telephone	(035-150-5127-2020)	240
10) Administrative Supplies	(035-150-5127-2030)	779
11) Dues and Memberships	(035-150-5127-2042)	275
12) Training and		
Development	(035-150-5127-2044)	3,736
13) Printing	(035-150-5127-2075)	200
14) Postage	(035-150-5127-2160)	2,640

15) CIS - Personal Computer		
Rental/Maintenance	(035-150-5127-7007)	\$ 240
16) Management Services	(035-150-5127-7015)	240
17) State Grant Receipts	(035-150-5127-5128)	102,757
18) Local Match	(035-150-5127-5129)	25,671

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing the acceptance of a grant made to the City of Roanoke by the Commonwealth of Virginia Department of Criminal Justice Services for a Victim/Witness Assistance Program and authorizing the execution and filing by the City Manager of the conditions of the grant and other grant documents.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City of Roanoke hereby accepts the offer made by the Commonwealth of Virginia Department of Criminal Justice Services of a grant in the amount of \$102,757 for Fiscal Year 2003-04 for a Victim/Witness Assistance Program.
2. The local cash match for Fiscal Year 2003-04 shall be in the amount of \$25,671.
3. The City Manager is hereby authorized to accept, execute and file on behalf of the City any documents setting forth the conditions of the grant.
4. The City Manager is further directed to furnish such additional information as may be required by the Department of Criminal Justice Services in connection with the acceptance of the foregoing grant or with such project.

ATTEST:

City Clerk.

COMMONWEALTH OF VIRGINIA

5.b.

DONALD S. CALDWELL
COMMONWEALTH'S ATTORNEY



AREA CODE 540 TEL. NO. 853-2626
FAX 853-1201

CITY OF ROANOKE
OFFICE OF THE COMMONWEALTH'S ATTORNEY
315 CHURCH AVENUE
ROANOKE, VIRGINIA 24016

August 18, 2003

Honorable, Mayor Ralph Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable Dr. M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Acceptance of Funding for Drug Prosecutor

Federal funding was made available to the State of Virginia to be used for the development of several Multi-Jurisdictional Special Drug Prosecutors statewide. The positions were developed to coordinate prosecutorial efforts among independent jurisdictions, reduce fractional and duplicate prosecutions, enhance the recovery of criminal assets, utilize federal, state and local resources to assure maximum prosecutorial effectiveness and to provide specialized prosecutorial resources to the regional drug enforcement effort. The Commonwealth's Attorneys of Craig County, Franklin County, Roanoke County, and the Cities of Roanoke and Salem applied on October 9, 1987, to the Commonwealth's Attorneys' Services Council, the State agency responsible for the administration of the grant money to fund a Multi-Jurisdictional Special Drug Prosecutor. City Council accepted the Multi-Jurisdictional Special Drug Prosecutor Grant in April, 1988, and a full-time Special Drug Prosecutor was hired in July, 1988. Annual re-application for funding is required.

On April 15, 1994, funding for the Drug Prosecutor's Office was transferred from the Commonwealth's Attorneys' Services Council to the Compensation Board. The Compensation Board approved funding for the Drug Prosecutor in the amount of \$84,994 on April 28, 2003, and funding will continue through June 30, 2004. The local match is \$21,861, for a total of \$106,855. Funding for the local share is available in the Transfer to Grant Funds accounts (001-250-9310-9535).

Honorable Mayor and Members of Council
August 18, 2003
Page 2

Recommended Action(s):

Accept funding from the Compensation Board in the amount of \$84,994 with the City providing local match funding in the amount of \$21,861. Authorize the City Manager to execute the requisite documents to obtain the funding from the Compensation Board.

Appropriate \$84,994 in state grant funds (see attachment 1) and establish a corresponding revenue estimate in accounts established by the Director of Finance in the Grant Fund.

Transfer \$21,861 from the General Fund Transfer to Grant Fund account (001-250-9310-9535) to the Grant Fund account created above and appropriate according to attachment 1.

Respectfully submitted,

A handwritten signature in black ink, reading "Donald S. Caldwell". The signature is written in a cursive, flowing style.

Donald S. Caldwell
Roanoke City Commonwealth's Attorney

DSC:msh

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance

Attachment 1

Program Accounts

1002	Regular Employee Salaries	\$74,300
1105	ICMA - Retirement	\$ 4,725
1115	ICMA - Match	\$ 1,300
1120	FICA	\$ 5,783
1125	Medical Insurance	\$ 5,496
1126	Dental Insurance	\$ 404
1130	Life Insurance	\$ 728
1131	Disability Insurance	\$ 208
2020	Telephone	\$ 2,000
2030	Administrative Supplies	\$ 2,011
2042	Dues & Membership	\$ 400
2160	Postage	\$ 500
3075	Other Rental	<u>\$ 9,000</u>
	TOTAL	\$106,855



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591

Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

August 18, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable W. D. "Bill" Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Acceptance of Funding for Drug
Prosecutor CO03-0002

I concur with the recommendation from Donald S. Caldwell, Commonwealth Attorney, for the City of Roanoke, with respect to the subject reference above and recommend that City Council authorize the City Manager to execute the requisite documents to obtain the funding from the Compensation Board.

Sincerely,

A handwritten signature in cursive script, reading "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB:sm

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2003-2004 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Judicial Administration	\$	1,125,540
Regional Drug Prosecutor FY04 (1-13).....		106,855

Revenues

Judicial Administration	\$	1,125,540
Regional Drug Prosecutor FY04 (14-15).....		106,855

1) Regular Employee		
Salaries	(035-150-5136-1002)	\$74,300
2) City Retirement	(035-150-5136-1105)	4,725
3) ICMA Match	(035-150-5136-1115)	1,300
4) FICA	(035-150-5136-1120)	5,783
5) Medical Insurance	(035-150-5136-1125)	5,496
6) Dental Insurance	(035-150-5136-1126)	404
7) Life Insurance	(035-150-5136-1130)	728
8) Disability Insurance	(035-150-5136-1131)	208
9) Telephone	(035-150-5136-2020)	2,000
10) Administrative Supplies	(035-150-5136-2030)	2,011
11) Dues and Memberships	(035-150-5136-2042)	400
12) Postage	(035-150-5136-2160)	500
13) Other Rental	(035-150-5136-3075)	9,000
14) State Grant Receipts	(035-150-5136-5109)	84,994
15) Local Match	(035-150-5136-5110)	21,861

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the acceptance of funding for the regional drug prosecutor's office from the Compensation Board of the Commonwealth of Virginia and authorizing the acceptance, execution and filing of appropriate documents to obtain such funds.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City of Roanoke hereby accepts the funding for the regional drug prosecutor's office in the total amount of \$84,994 from the Compensation Board of the Commonwealth of Virginia for the period of July 1, 2003, through June 30, 2004.
2. The City Manager is hereby authorized to accept, execute and file on behalf of the City of Roanoke any and all documents required to obtain such funding.
3. The local share for Fiscal Year 2004 shall be in the amount of \$21,861.
4. The City Manager is further directed to furnish such additional information as may be required in connection with the acceptance of the foregoing funding or with such project.

ATTEST:

City Clerk

COMMONWEALTH OF VIRGINIA

5.c.

DONALD S. CALDWELL
COMMONWEALTH'S ATTORNEY



AREA CODE 540 TEL. NO. 853-2626
FAX 853-1201

CITY OF ROANOKE OFFICE OF THE COMMONWEALTH'S ATTORNEY 315 CHURCH AVENUE ROANOKE, VIRGINIA 24016

August 18, 2003

Honorable, Mayor Ralph Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable Dr. M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Cash Assets Forfeited to the Roanoke Commonwealth
Attorney's Office

In an effort to better fund law enforcement efforts to fight crime, particularly drug crime, in 1986, the Federal government adopted a system of asset forfeiture whereby forfeited assets, under certain conditions, could be returned to local law enforcement agencies, police and prosecutors, for use in their fight against crime.

In July, 1991, Virginia asset forfeiture statute, which generally is patterned after the Federal statute, took effect, providing that forfeited criminal assets may be returned to local police and prosecutors for use in the fight against crime.

Periodically, assets seized as evidence are ordered forfeited by the local courts to the police or the Office of the Commonwealth's Attorney to be used for criminal law enforcement efforts.

In August, 1991, a grant fund account for cash assets forfeited to the Office of the Commonwealth's Attorney was established with an appropriation of \$25,000.

Considerations:

Since August, 1991, the Office of the Commonwealth's Attorney has expended the \$25,000 originally appropriated, and periodically receives additional funds from the state's asset sharing program. Grant requirements include that these funds be placed in an interest bearing account and the interest earned be used in accordance with program guidelines.

Revenues collected through June 30, 2003, for this grant are \$169,143. The interest on this account collected through June 30, 2003, is \$16,098. Funding received in excess of the revenues estimate totals \$23,609, and needs to be appropriated.

Honorable Mayor and Members of Council
August 18, 2003
Page 2

Funds must be appropriated before they can be expended for law enforcement.

Recommended Action(s):

Authorize the Director of Finance to increase the revenue estimates for Forfeited Criminal Assets (035-150-5140-7107) and Forfeited Criminal Assets Interest (035-150-5140-7275) in the amounts of \$20,545 and \$3,064 respectively, and appropriate funding to the Forfeited Criminal Assets accounts (035-150-5140) in the Grant Fund as listed in Attachment 1.

Respectfully submitted,

A handwritten signature in black ink that reads "Donald S. Caldwell". The signature is written in a cursive, flowing style.

Donald S. Caldwell
Roanoke City Commonwealth Attorney

DSC:mh

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Darlene Burcham, City Manager

Attachment 1

2030	Administrative Supplies	\$5,109.00
2035	Expendable Equipment<\$5000	\$5,000.00
2044	Training & Development	\$2,000.00
7007	CIS-Personal Computer Rent/ Maintenance	\$6,500.00
2021	Telephone-Cellular	<u>\$5,000.00</u>
	TOTAL	\$23,609.00

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

August 18, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable W. D. "Bill" Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Cash Assets Forfeited to the
Roanoke Commonwealth
Attorney's Office CO03-0003

I concur with the recommendation from Donald S. Caldwell, Commonwealth Attorney, for the City of Roanoke, with respect to the subject reference above and recommend that City Council authorize the Director of Finance to increase the revenue estimates for Forfeited Criminal Assets and Forfeited Criminal Assets Interest and appropriate funding in the Grant Fund.

Sincerely,



Darlene L. Burcham
City Manager

DLB:sm

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance

2

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2003-2004 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Public Safety	\$ 2,909,292
State Asset Forfeiture (1-5).....	331,851

Revenues

Public Safety	\$ 2,909,292
State Asset Forfeiture (6-7).....	331,851

1) Telephone-Cellular	(035-640-3302-2021)	\$ 5,000
2) Administrative Supplies	(035-640-3302-2030)	5,109
3) Expendable Equipment		
<\$5,000	(035-640-3302-2035)	5,000
4) Training and Development	(035-640-3302-2044)	2,000
5) DOT-PC Rental/Maintenance	(035-640-3302-7007)	6,500
6) State Asset Forfeiture Proceeds	(035-640-3302-3300)	20,545
7) Interest	(035-640-3302-3299)	3,064

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE

OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

August 18, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Grant Award for FY'04
Temporary Assistance for
Needy Families (TANF)
Hard-to-Serve Project

Background:

The Virginia Department of Social Services issued a Request for Proposals to use federal funds to provide job search, coaching, and job retention services for hard-to-serve TANF recipients. The City of Roanoke Department of Social Services responded to this RFP with a proposal outlining its intent to work collaboratively with TAP- This Valley Works to provide the work-related services listed above. Under this proposal, eligible TANF recipients who must obtain employment, but who have not been in compliance with certain regulatory requirements, are provided customized job search assistance. Case managers work with these individuals to develop and initiate an individualized plan of action to meet compliance requirements and to assist in securing and maintaining employment.

The City of Roanoke was awarded \$207,000 in grant funding under the TANF Hard-to-Serve Project for fiscal year 2004.

Honorable Mayor and Members of City Council
August 18, 2003
Page 2

Considerations:

- Program Operations – Existing activities will continue and planned programs will be implemented.
- Funding – Funds are available from Grantor agency, at no additional cost to the City of Roanoke.

Recommended Action:

Accept the Temporary Assistance to Needy Families Hard to Serve Project grant of \$207,000, and authorize the City Manager to sign and execute all appropriate documents to obtain the grant.

Appropriate funding of \$207,000 and establish a corresponding revenue estimate in accounts to be established by the Director of Finance in the Grant Fund.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:rji

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Barry L. Key, Director of Management and Budget
Vickie Price, Acting Director of Human Services
Rolanda B. Russell, Assistant City Manager for Community Development

#CM03-00163

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2003-2004 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Health and Welfare	\$	5,727,799
Temporary Assistance for Needy Families (TANF) Hard-to-Serve (1).....		207,000

Revenues

Health and Welfare	\$	5,727,799
Temporary Assistance for Needy Families (TANF) Hard-to-Serve (2).....		207,000

- | | | |
|-----------------------------------|---------------------|-----------|
| 1) Fees for Professional Services | (035-630-8853-2010) | \$207,000 |
| 2) State Grant Receipts | (035-630-8853-8853) | 207,000 |

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing acceptance of a grant award under the Temporary Assistance for Needy Families (TANF) Hard-to-Serve Project from the Virginia Department of Social Services, for the purpose of providing job search, job coaching and job retention services for eligible TANF recipients who must obtain employment, and authorizing execution of any and all necessary documents to comply with the terms and conditions of the grant.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The grant award under the Temporary Assistance for Needy Families (TANF) Hard-to-Serve Project from the Virginia Department of Social Services, for the purpose of providing job search, job coaching and job retention services for hard-to-serve TANF recipients, in the amount of \$207,000.00, as set forth in the City Manager's letter to Council dated August 18, 2003, is hereby ACCEPTED.

2. The City Manager is hereby authorized to execute any and all requisite documents pertaining to the City's acceptance of these funds and to furnish such additional information as may be required in connection with the City's acceptance of these grant funds.

All documents shall be approved by the City Attorney.

ATTEST:

City Clerk.

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

August 18, 2003

Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: Funds Transfer for Roanoke Civic
Center Expansion and
Renovation, Phase I CM03-0166

This is to request space on Council's regular agenda for a report on the above
referenced subject.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:sm

c: City Attorney
City Clerk
Director of Finance

fw

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Civic Center and Capital Projects Funds Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2003-2004 Civic Center and Capital Projects Funds Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

Civic Center Fund

Appropriations

Capital Outlay	\$	5,225,862
Civic Center Expansion/Renovation Phase I (1).....		3,572,862

Revenues

Nonoperating	\$	1,343,685
Transfer from Other Funds (2)		464,555

Capital Projects Fund

Appropriations

Capital Improvement Reserve	\$	520,411
Capital Improvement Reserve (3)		515,054

Nondepartmental	\$	260,000
Transfers to Other Funds (4)		260,000

1) Appropriated from		
General Revenue	(005-550-8615-9003)	\$ 260,000

2) Transfer from		
Capital Projects Fund	(005-110-1234-1237)	\$ 260,000
3) Buildings	(008-052-9575-9173)	(260,000)
4) Transfer to		
Civic Center Fund	(008-530-9712-9505)	260,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE
DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461

P.O. Box 1220

Roanoke, Virginia 24006-1220

Telephone: (540) 853-2821

Fax: (540) 853-6142

JESSE A. HALL

Director of Finance

email: jesse_hall@ci.roanoke.va.us

ANN H. SHAWVER

Deputy Director

email: ann_shawver@ci.roanoke.va.us

August 18, 2003

The Honorable Ralph K. Smith, Mayor
The Honorable C. Nelson Harris, Vice Mayor
The Honorable William D. Bestpitch, Council Member
The Honorable M. Rupert Cutler, Council Member
The Honorable Alfred T. Dowe, Jr., Council Member
The Honorable Beverly T. Fitzpatrick, Jr., Council Member
The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Fiscal year 2003 has come to a close, ending on a fairly positive note from a financial standpoint, despite a national and local economy that has been strained by the war with Iraq and which again continued to fall short of desired results. Fiscal year 2003 was also affected by several mid-year adjustments in funding from the Commonwealth.

Local taxes, such as our sales tax, transient room tax, and prepared food and beverage tax, are sensitive to economic trends, yet all of these taxes performed fairly well in light of budgeted expectations for FY03. The current year real estate tax provided growth of approximately 5%, and growth in excess of this amount is expected for FY04. While the personal property tax again declined, it performed at a level slightly above expectation. A discussion of the performance of all of the City's significant local taxes will follow in this financial report.

The economic challenges experienced by the City were worsened as a result of the State's economic challenges. Heavily dependent on the performance of the income tax, the State's fiscal condition was again strained in fiscal year 2003 by the lackluster performance of the stock market and by failing businesses. The City experienced declines in certain state revenues, including the Jail Block Grant, HB599 Law Enforcement funding, and funding of our Constitutional Offices, directly as a result of difficult budgetary conditions at the state level. On the positive side, funding for street maintenance was increased toward the latter part of FY03.

One fiscal indicator which proved to be advantageous for the City of Roanoke was the historically low interest rates which occurred toward the end of the fiscal year. As a result of these low rates, the City took advantage of the opportunity to refund its 1994 general obligation bond issue, elected to redeem a capital lease with the Roanoke Redevelopment and Housing Authority, and refinanced its Section 108 Loan with the Department of Housing and Urban Development. The Section 108 Loan provided financing to support the refurbishment of the Hotel Roanoke, while the series 1994 bonds were issued to support the construction of the Hotel Roanoke Conference Center, the Jail expansion, and construction of the Water Pollution Control Plant. The lease financed the Century Station Parking Garage, and the Housing Authority, in turn, redeemed the revenue bonds which supported construction of this facility. Over the remaining life of these debt issues, savings of approximately \$3.75 million will result.

The City of Roanoke has worked hard in the past year to implement a number of new or improved programs aimed at increasing quality service to our citizens and improving neighborhoods. Work has begun on the formation of a regional water authority to better provide for the needs of water services for citizens of the Roanoke Valley well into the future. Plans call for the Authority to become effective in fiscal year 2005. Other regional projects continue to develop including construction of the Roanoke Valley SPCA and the branding initiative. The City continues to make technology a top priority, and receipt of the second Digital Cities award reflects the leadership the City has achieved among its government peers nationwide. Neighborhood improvement projects abound, with the Southeast by Design project representing a concentrated effort at leveraging HUD funds to achieve maximum results in neighborhood redevelopment.

Planning is also underway for capital projects including the renovation of the City's two high schools, Civic Center Phase II renovation, and improvements to both Police and Fire facilities. Future bond issuance is planned to support such projects, and we are optimistic that interest rates will continue to remain low to finance these projects. Several economic development projects have achieved notable results in this fiscal year, including the Roanoke Times project as well as the expansion of Maple Leaf Bakery and Elizabeth Arden. The City is committed to providing broad based opportunities for its citizens while also working to bring new businesses and growth to our community.

A recent history of General Fund revenue estimates compared to actual revenues follows. The amounts shown for FY03 are **unaudited** and may change during the course of our external audit. They are being reported to you for informational and planning purposes.

A discussion of the City's General Fund and School Fund operations for fiscal year 2003 follows.

GENERAL FUND

Our revenue estimate from all sources was \$194,201,628, while actual collections totaled \$194,388,023. Total General Fund revenues collected increased .85% from the prior year and exceeded the estimate by .10%.

The revenue sources with the largest variance from budget estimates are outlined in the following schedule:

<u>Source</u>	<u>Budget</u>	<u>Actual</u>	<u>Amount Over (Under) Revised Estimate</u>	<u>% Over (Under) Estimate</u>
Real Estate Taxes	\$51,015,000	\$51,777,137	\$762,137	1.5%
Personal Property Tax	22,516,000	22,912,279	396,279	1.8%
Sales Tax	17,700,000	17,466,450	(233,550)	-1.3%
Utility Taxes	12,625,100	13,248,053	622,953	4.9%
Cigarette Tax	2,130,000	1,920,939	(209,061)	-9.8%
Recordation and Probate Taxes	556,000	734,345	178,345	32.1%
Business and Professional License/Consumption Tax	11,063,000	11,086,185	23,185	0.2%
Public Service Tax	3,876,000	3,764,653	(111,347)	-2.9%
Penalties and Interest	933,707	1,161,436	227,729	24.4%
Law Enforcement HB599 Funding	4,124,485	3,994,320	(130,165)	-3.2%
Social Services Funding from the Commonwealth	20,563,908	19,938,530	(625,378)	-3.0%
Jail Block Grant	1,778,615	1,314,805	(463,810)	-26.1%
Transient Room Tax	2,000,000	2,101,878	101,878	5.1%
Bank Stock Tax	1,017,000	807,266	(209,734)	-20.6%
All Other Revenue	42,302,813	42,159,747	(143,066)	-0.3%
Total General Fund Revenues	<u>\$194,201,628</u>	<u>\$194,388,023</u>	<u>\$186,395</u>	<u>0.1%</u>

Listed below is a five-year history of our General Fund revenue estimates compared to actual revenues.

Fiscal Year	Revenue Estimate	Actual Collections	Percent of Estimate Collected
2003	\$194,201,628	\$194,388,023	100.10%
2002	191,951,104	192,756,723	100.42%
2001	183,974,493	186,641,942	101.45%
2000	177,178,184	181,337,826	102.35%
1999	170,012,900	172,462,548	101.44%

GENERAL FUND STATEMENT OF REVENUES

A summary of unaudited revenues by category and the variances between actual collections and the budgetary estimates may be found on page 20. The following narrative discusses significant revenue trends for the year.

General Property Taxes

This category includes taxes on real estate, personal property and public service corporations, as well as penalties and interest. Estimated revenues for this category were \$70,521,394 while actual collections were \$71,674,502, achieving 101.64% of the budget. Real estate taxes increased by \$2,434,953 since FY02, providing growth of 4.93%. Reassessments and a strong housing market caused this growth. Penalties and interest increased \$74,687 from FY02, well in excess of the budgeted level. Total personal property taxes, including the state share, exceeded the budget estimate by 1.8%, but decreased 1.77% over the same period of the prior year, due primarily to a decrease in the annual assessment of personal property machinery and tools. The portion of personal property tax funded by the Commonwealth of Virginia is recorded in the Grants-in-Aid Commonwealth category. Public service corporation taxes, which were based on assessments provided by the State Corporation Commission, declined \$166,172 or 4.23% from the prior year due to a decrease in real estate and personal property assessments of public service corporation tax, as well as an increase in the number of refunds in FY03.

Other Local Taxes

This category includes sales tax, utility taxes, cigarette tax, business, professional, and occupational license tax, transient room tax, franchise taxes, prepared food and beverage tax, and other miscellaneous local taxes. This category of taxes serves as one of the best indicators of the strength of the local economy. The total estimate for this category was \$59,301,164, while actual

collections were \$59,522,933. Collections exceeded the budget estimate by .37%, but declined overall by .20% since FY02.

Sales tax revenue has shown little growth during FY03, and ended the year \$22,987 (.13%) short of FY02 amounts. Utility taxes grew 1.15% from FY02, driven by increases in gas and electric utility taxes attributable to severe winter weather, and by an increase in water utility taxes resulting from relaxing drought induced water usage restrictions. These increases were partially offset by decreases in both telephone utility and cellular phone taxes. While cell phone tax exceeded its revenue estimate by \$497,074, it decreased from FY02 primarily due to a large settle up payment collected in FY02 for under reporting by a cellular phone company. Transient room tax and admissions tax increased by 2.74% and 26.01% respectively, both exceeding their revenue estimates. Admissions tax increases were the result of a 1.5% rate increase effective July 1, 2002. These increases were partially offset by decreases in business and professional occupational license (BPOL) tax, cigarette tax and bank stock tax. BPOL tax declined from FY02, mainly in the delinquent category, due in part to a number of large refunds. Bank stock taxes, which are based on net capital of banks, were down 20.60% from the prior year due primarily to the merger of First Union and Wachovia banks.

Permits, Fees and Licenses

This revenue category includes dog licenses, building related fees, various inspection fees and street opening permits. Revenues for this category totaled \$909,669 decreasing \$166,934 from FY02, and missing the projected budget of \$1,030,694 by 11.74%. The decrease is due to a shortfall in building, electrical and heating inspection fees due to permit valuations for commercial projects being lower than in FY02, and due to a decline in the number of building permits issued for commercial and residential projects. Elevator inspection fees also declined as this function was privatized in FY03. There was also an expenditure decline related to this privatization effort.

Fines and Forfeitures

This category consists of parking tickets and fines collected by various courts. Revenue in this category was \$1,244,283, an increase of \$141,170 from the prior year. Parking ticket revenue increased by 15.03% from the prior year due to a full year of the civilianized ticketing operations as well as an increase in the late payment penalty effective July 1, 2002. General District Court fines were up 2.30% due to an increase in caseload, much of which was related to the increased number of parking tickets. New fees adopted in FY03 related to delinquent collections also contributed to the increase in this category.

Revenue from Use of Money and Property

This revenue category consists of interest earnings and various property rentals. Revenue in this

category is \$1,114,804, up 1.34% from the prior year. Billings to the State for use of the Commonwealth Building increased approximately 3.30% from the prior year. The category achieved 102.96% of its budget estimate of \$1,082,729.

Grants-In-Aid Commonwealth

This category is comprised of non-categorical aid (state share of personal property tax, recordation tax, ABC, wine, rolling stock and rental car tax), shared expenses for Constitutional Offices, Social Services funding (foster care, day care, welfare payments, employment services, and the Comprehensive Services Act Programs), and other categorical aid (street maintenance, City Jail Block Grant, Law Enforcement and Library Grant). Revenues in this category totaled \$52,754,731, decreasing by \$509,931 or 1.07% from FY02. The decline is due primarily to mandatory state budget cuts necessitated by the decline in the economy. Revenues for shared expenses decreased by \$231,024 from FY02, while Jail Block Grant revenues decreased by 34.53% and Virginia Juvenile Community Crime Control Act revenues decreased by 48.53%. Revenues received under HB599 for law enforcement and for E911 wireless services also declined. These declines were partially offset by increases in reimbursements received under the Comprehensive Services Act and revenues for street maintenance. Revenue from the state for the Revenue Maximization program are new this year, as is the corresponding cost center in the Health and Welfare expenditure category.

Grants-in-Aid Federal Government

This category consists of funding from the Federal Emergency Management Association (FEMA) for civil defense. Revenue in this category was \$34,358, the same as in FY02.

Charges for Services

This category includes court fees, refuse collection, weed cutting, emergency medical service, police fees, fire safety fees, and central service charges. Collections totaled \$4,568,919 exceeding its budget estimate by \$215,158 and reflecting an increase of 19.45% from FY02. Several new fees were authorized by the 2002 General Assembly effective July 1, 2002, including a courthouse security fee, inmate processing fee and DNA sampling fee. These new fees have generated approximately \$100,000 in revenue. Circuit Court Clerk fees increased by \$78,500 due to an increase in the number of deeds and certificates of satisfaction recorded. Favorable interest rates encouraged mortgage refinancing and increased the number of recordings. EMS fees increased by \$398,437 as a result of a full year of revenues under the new rate structure effective April 1, 2002. A new fee structure for bulk garbage collection also generated additional revenues.

Miscellaneous Revenue

Revenues included in this category are payments in lieu of taxes from Roanoke Redevelopment and Housing Authority and other exempted organizations, sales of surplus property, and other

miscellaneous revenues. Revenue in this category was \$475,210, a decrease of 2.54% from FY02. A transfer of \$209,835 to the General Fund from the Transportation Fund to partially support the subsidy provided to the Greater Roanoke Transit Company (GRTC) in FY02 was not duplicated in FY03. Surplus property sale revenues decreased by \$61,141 due to fewer sales and some revenues being retained by the Fleet Management Fund for the purchase of new vehicles. These decreases were partially offset by reimbursements received from insurance companies for damage to City property resulting from the February 2003 flood and a \$20,500 rebate from the City's purchasing card issuer.

Internal Services

This category represents payments from Proprietary and Agency Funds for services provided by the General Fund departments. Services provided include fire safety for the Roanoke Regional Airport, billings and collections services for the Water and Sewage Treatment Funds, engineering services and various other public works services. The category totaled \$2,088,614, achieving 90.72% of its budget estimate, and declining by \$160,489 from FY02. Fire safety billings decreased due to a decrease in the number of firefighters assigned to the airport fire station, and revenues from the Risk Management Fund to operate the Occupational Health Clinic also decreased.

Expenditures

Total expenditures and encumbrances for FY 2003 were \$199,928,051, which were \$3,073,935 or 1.51% less than City Council had authorized. The authorized expenditure budget includes appropriations of CMERP funds during the year. General Fund expenditures and encumbrances have increased 1.18% compared to the prior fiscal year.

Judicial Administration expenditures increased \$156,596 or 2.68%. Juvenile and Domestic Relations Court Services costs were up due to an increase in the number of children detained by the court and housed at the Roanoke Valley Detention Center. Circuit Court expenditures were up due to a decrease in the reimbursement requested from the state.

Health and Welfare expenditures increased \$702,377 or 2.62%. Comprehensive Services Act (CSA) expenditures and foster care costs were up due to an increase in the number of children served in foster care. Department of Technology costs related to the implementation of a new CSA case management system and expenses associated with the new Revenue Maximization Program also contributed to this increase.

Parks, Recreation and Cultural expenditures decreased by \$243,805 or 4.97%. The elimination of a Project Assistant position, shortened hours at the pool facilities and cuts to several labor-

intensive programs resulted in a decrease of personnel costs for the Recreation department. Library publication and subscriptions and expendable equipment costs decreased from FY02 as did reimbursements received at the libraries. Department of Technology expenditures for the Library also decreased.

Community Development expenditures increased \$411,341 or 8.17%. Housing and Neighborhood Services personnel costs and related internal service charges for technology increased due to a FY02 reorganization reallocating positions to handle changes in the code enforcement area.

Transfer to Debt Service Fund increased by \$4,580,143 or 37.34% as the first principal and interest payments were required for the Series 2002A General Obligation Bonds in FY03, and a larger principal payment was required on the Series 1997 Bonds.

Transfer to School Fund increased by \$98,922 or .21% based on the same school funding formula used in previous years.

Nondepartmental expenditures decreased \$2,189,204 or 16.03%. Transfers of CMERP funding to the Department of Technology Fund decreased substantially from FY02. This decrease was partially offset by an increase in transfers to the Fleet Management Fund and the Greater Roanoke Transit Company in FY03.

SCHOOL FUND

A recent history of School Fund revenue estimates compared to actual revenues follows. The amounts shown for FY03 are **unaudited** and may change during the course of our external audit. They are being reported to you for informational and planning purposes. School Board operations are accounted for as a separate fund. The revenues included in this discussion do not include the multi-year grant funds, but only those that comprise the annual adopted budget. School Fund revenues totaled \$102,034,969, slightly below the estimate of \$102,115,021. Revenues grew by \$3,141,476 or 3.18% from the prior year.

Fiscal Year	Revenue Estimate	Actual Collections	Percent of Estimate Collected
2003	\$102,115,021	\$102,034,969	99.92%
2002	100,038,855	98,893,493	98.86%
2001	100,904,322	98,745,349	97.86%
2000*	97,975,376	97,824,394	99.85%
1999*	92,726,135	92,915,221	100.20%

*Amounts in fiscal years 1999 and 2000 include School Food Service which is now accounted for as a separate fund.

School Fund Statement of Revenues

Shown on page 21 is a summary of the major categories of revenues and the specific variances between actual (unaudited) and estimated. Following are some brief comments on the variances in major revenue categories.

State Sales Tax

State sales tax totaled \$8,636,235, which was under its estimate of \$9,226,504 by \$590,269 or 6.40%. This revenue declined by 4.13% from last year, reflective of the declining trends experienced in state-wide retail sales.

Grants-In-Aid Commonwealth

This category includes Basic State Aid, Special Education, Lottery Distribution, Summer Schools, Vocational Education, At-Risk Children, Fringe Benefit Reimbursement, Disparity Incentive and several smaller revenue sources. Revenues in this category totaled \$43,336,782, slightly exceeding the estimate of \$43,236,695, and increasing by 5.53% from the prior year. Disparity incentive payments decreased by 16.56% from FY02 and fell below its budget estimate by \$195,753. Basic State Aid, as determined by the State's funding formula, increased by 10.18% from FY02 but fell below its budget estimate by \$70,436. Lottery Distribution, based on statewide collections and distributed by population, and Foster Home Children revenues exceeded their budget estimate amounts by \$339,553 and 31,889 respectively. The other major revenues in this category were generally close to the estimates.

Grants-In-Aid Federal Government

Total revenue collected in this category was \$117,949, an increase of 9.66% from FY02. Reimbursement received for indirect costs, which are paid to the school for providing administrative and operational services for various federal programs, are included in this category and increased by 64.83% from FY02. This increase was offset by a 24.35% decline in funds to

supplement the Air Force Junior ROTC program.

Charges for Services

Major sources of revenue in this category are tuition, reimbursement for transportation for special trips and rental of facilities. Revenues for the category totaled \$2,535,447, increasing from FY02 by 21.14% and exceeding the budget estimate by \$407,479. Tuition for Special Education revenue increased by 24.02% and exceeded its budget estimate by \$420,820, while reimbursements for special transportation trips increased by 45.27% and exceeded its budget estimate by \$166,770. These increases were partially offset by decreases in facility rental and interest revenues which declined by 19.59% and 16.36%, respectively, from the prior year. Other revenue categories remained at approximately the same level as the prior year.

Transfers from General Fund

Local funding from the General Fund totaled \$47,408,556 and included the School share of local taxes. Funding from the General Fund increased \$790,733 since FY02 and met its budget estimate.

Expenditures

Expenditures and encumbrances in the School Fund (excluding special purpose grants) totaled \$103,590,951, leaving an unobligated balance of \$2,079,436. It is important to note that the authorized expenditure budget includes appropriations from CMERP during the fiscal year. School expenditures, not including special purpose grant expenditures, were closely monitored during the year given the current economic conditions and the decline in reimbursements from the State. Expenditures increased from the prior year by \$4,871,688 or 4.93%, primarily due to annual increases in salaries and benefits, as well as increases in utility and maintenance supply costs.

CAPITAL MAINTENANCE AND EQUIPMENT REPLACEMENT PROGRAM (CMERP)

General Fund CMERP

Council adopted Ordinance number 26292 on December 6, 1982, establishing a reserve of General Fund balance for CMERP, specifically for maintenance and replacement of capital equipment. Computed per the requirements of Ordinance 26292, CMERP for fiscal year 2003 for Schools is \$529,557 and for the City is \$2,480,774 for a total of \$3,010,331 or 1.48% of General Fund appropriations. The following allocation has been calculated based on the Revenue Allocation Model used for the adopted budget (see pages 13 and 14 for details).

General Fund Designated FY 2003 CMERP

City Allocation	\$ 2,480,774
School Allocation	<u>529,557</u>
Total General Fund CMERP	<u>\$ 3,010,331</u>

School Fund CMERP

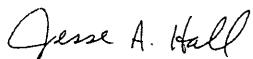
The School Board will receive a portion of the General Fund CMERP, as shown above, per the requirements established in Ordinance No. 26292, and also retain the CMERP generated in the School Fund. This is consistent with the method of allocating CMERP between the City and School Funds in prior years. General Fund CMERP allocated to the Schools is \$529,557. The amount of CMERP designated in the School Fund totals \$2,000,149 or 1.89% of School Fund Appropriations. Therefore, the total CMERP available to the Schools in both the General Fund and School Fund is \$2,529,706.

School Fund Designated FY 2003 CMERP

School Share of General Fund CMERP	\$ 529,577
School Fund CMERP	<u>2,000,149</u>
Total School CMERP	<u>\$ 2,529,706</u>

We would like to reiterate that the General and School Fund amounts discussed within this report are **unaudited** and subject to change during the course of our external audit. A comprehensive financial report of all funds of the City will be included with the Comprehensive Annual Financial Report. We would also like to thank City Council, the administration, and especially the dedicated staff of the Department of Finance for their support throughout fiscal year 2003. We would be pleased to answer questions that Council may have.

Sincerely,



Jesse A. Hall
Director of Finance

JAH:ca

Attachments

Honorable Mayor and Members
of City Council
August 18, 2003

Page 12

c: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
George C. Snead, Jr., Assistant City Manager
Rolanda A. Russell, Assistant City Manager
E. Wayne Harris, Superintendent, Roanoke City Schools
Richard L. Kelley, Assistant Superintendent for Operations
Barry L. Key, Director of Management and Budget

City of Roanoke, Virginia
Allocation of CMERP to the General Fund
June 30, 2003
Unaudited

General Fund CMERP Allocation

General Fund Revenues In Excess of Budgeted Amounts	\$ 186,395
General Fund Unobligated Appropriations	3,073,936
Less: Reserve for Uninsured Claims	<u>(250,000)</u>
Total General Fund CMERP Allocation	3,010,331
School Fund CMERP Allocation, see page 13	<u>(529,557)</u>
Total General Fund CMERP	<u><u>\$ 2,480,774</u></u>

City of Roanoke, Virginia
Calculation of General Fund CMERP to Allocate to the School Board
June 30, 2003
Unaudited

Local Taxes

General Property Taxes	\$ 79,615,505
Other Local Taxes	59,522,933
Total Local Taxes	<u>139,138,438</u>

Less: Local Taxes Dedicated for Specific Purposes

Current Downtown District Real Estate Tax	(222,695)
Delinquent Downtown District Real Estate Tax	(7,580)
Current Williamson Road District Real Estate Tax	(64,408)
Delinquent Williamson Road District Real Estate Tax	(1,843)
Downtown District Public Service Tax	(24,200)
Delinquent Downtown District Public Service Tax	(226)
Utility Consumer Tax Dedicated to Roanoke River Flood Reduction	(808,000)
Telephone Surcharge (E911) Taxes	(1,180,840)
Cable TV Franchise Tax Dedicated to Local Government Access Channel	(196,801)
Cigarette Tax to Support Debt Service of Bonds Issued for Jail and Juvenile Detention Home	(305,000)
Motor Vehicle License Tax to Support Debt Service of Bonds Issued for Jail and Juvenile Detention Home	(325,000)
Cigarette Tax for COPE Team and Convention and Visitor's Bureau	(501,429)
Transient Room Tax to Support Convention and Visitors Bureau	(200,000)
Telecommunications Right of Way Use Fee Dedicated to Paving	(377,390)
One Cent Real Estate Tax Dedicated to Economic Development	(413,867)
One Cent Transient Occupancy Tax Dedicated to Tourism	(300,268)
Ten Cents Cigarette Tax Dedicated to Curb, Gutter and Sidewalk	(711,459)
Debt Service on Bonds Issued for Innotech Project	(935,174)
Admissions Tax Dedicated to Civic Center Project	(116,376)
Net Local Taxes	<u>132,445,882</u>

School Percentage Share of Local Taxes	<u>36.42% *</u>
--	-----------------

School Share of Local Taxes	48,236,790
-----------------------------	------------

Other Adjustments:

Deduct School Portion of CSA Program	(995,243)
Deduct Interest Earnings	(200,000)
Add Funding for Pre-School Initiative	<u>204,755</u>

Net School Transfer	47,246,302
---------------------	------------

Less: FY03 Local Funding Provided to School Board	<u>(46,716,745)</u>
---	---------------------

Allocation of CMERP to School Board	<u><u>\$ 529,557</u></u>
-------------------------------------	--------------------------

* Percentage share based on Revenue Allocation Model developed by the Department of Management and Budget.

City of Roanoke, Virginia
Summary of School Board CMERP
June 30, 2003
Unaudited

School Fund CMERP Allocation

School Fund Revenues Less Than Budgeted Amounts	\$ (80,052)
School Fund Unobligated Appropriations	2,079,436
Add: Decrease in Workers' Comp Trust Fund	<u>765</u>
Total School Fund CMERP Allocation	2,000,149
General Fund CMERP Allocation, see page 14	<u>529,557</u>
Total School CMERP	<u><u>\$ 2,529,706</u></u>

City of Roanoke, Virginia
Capital Maintenance and Equipment Replacement Reserve (CMERP)
Per Ordinance 26292

Total General Fund Budget FY03	\$ 203,001,986
	<u>10%</u>
	20,300,199
Less: General Fund Transfer to Debt Service	<u>(16,847,042)</u>
Maximum Designated CMERP Reserve	<u><u>\$ 3,453,157</u></u>

**CITY OF ROANOKE, VIRGINIA
SUMMARY OF CITY MANAGER TRANSFERS
AND AVAILABLE CONTINGENCY
JUNE 30, 2003**

<u>Transfer Number</u>	<u>Date</u>	<u>Explanation</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
<u>General Fund:</u>					
CMT-1368	09/03/02	The Art Project Feasibility Study	Contingency*	Memberships and Affiliations	\$ 37,500
CMT-649	09/26/02	American Flag Inventory	Police Patrol	Transportation-Engineering and Operations	5,100
CMT-651	11/12/02	Terrorism Conference	Fire-Support	Environmental Services and Emergency Management	1,195
CMT-653	11/11/02	Terrorism Conference	Police Training	Environmental Services and Emergency Management	669
CMT-657	12/02/02	Reorganization of Neighborhood Partnership	Planning, Building and Development	Neighborhood Partnership	13,659
CMT-663	12/04/02	Parking Lot Paving at Mountain View Recreation Center	Police Patrol	Parks	11,900
CMT-659	12/06/02	Victory Stadium Parking Lot Grading	Parks and Recreation Administration	Transportation-Streets and Traffic	3,900
CMT-1403	12/18/02	Temporary Wages	Crisis Intervention	Youth Haven	3,800
CMT-667	01/10/03	Legal Fees	Police Patrol	Economic Development	21,591
CMT-677	01/14/03	Fees For Professional Services	Contingency*	City Attorney	30,000
CMT-675	01/15/03	Shredder	Police Patrol	Commissioner of the Revenue	1,344
CMT-679	02/03/03	Temporary Wages	Transfers To Other Funds	Engineering	10,318
CMT-687	02/21/03	Supplement Operating Expenses	Contingency*	City Council	43,175
CMT-685	02/28/03	Temporary Wages	Transfers To Other Funds	Engineering	4,006
CMT-689	02/28/03	Chemicals Purchase	Contingency*	Transportation-Snow Removal	69,400
CMT-1428	03/01/03	Wages-Segregate Revenue Maximization Coordinator	Social Services-Administration	Social Services-Revenue Maximization	41,492
CMT-693	03/12/03	Cycle Program For Youth	Fire-Administration	Police Patrol	1,500
CMT-695	03/13/03	Used Twelve Passenger Van	Outreach Detention	Transfer to Fleet Management	12,000
CMT-1431	03/13/03	Supplement Operating Expenses	Crisis Intervention	Outreach Detention	1,110
CMT-697	03/25/03	Supplement Operating Expenses	Contingency*	Board of Equalization	17,623
CMT-1444	04/15/03	Assist and Expedite Clean-Up Of Smith Mountain Lake	Contingency*	Memberships and Affiliations	5,000
CMT-1448	04/16/03	Group Rate For Twenty-Five Cell Phones	Transportation-Streets and Traffic	Transportation-Engineering and Operations	828
CMT-1449	04/16/03	Group Rate For Twenty-Five Cell Phones	Director Of Public Works	Transportation-Engineering and Operations	276
CMT-1460	04/16/03	Group Rate For Twenty-Five Cell Phones	Engineering	Transportation-Engineering and Operations	1,380
CMT-710	04/23/03	Excess Summer Food Program Costs-Fiscal Years 1999-2003	Contingency*	Transfer To Grant Fund	43,695
CMT-722	05/09/03	Replace American Flags Downtown	Police Patrol	Transportation-Engineering and Operations	8,000

**CITY OF ROANOKE, VIRGINIA
SUMMARY OF CITY MANAGER TRANSFERS
AND AVAILABLE CONTINGENCY
JUNE 30, 2003
(CONTINUED)**

<u>Transfer Number</u>	<u>Date</u>	<u>Explanation</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
<u>General Fund Continued:</u>					
CMT-712	05/14/03	Mobile Radio Maintenance Agreement	Reengineering Savings	Telecommunications	43,970
CMT-724	05/15/03	Municipal South Elevator Replacement		Transfer to Capital Projects Fund	36,000
CMT-720	05/28/03	Reverse Event Zone Funds Transfer	Building Maintenance Memberships and Affiliations	Parks and Recreation Administration	75,000
CMT-1485	05/28/03	VML/VACO Electric Rate Negotiations	Electrical Rate Contingency	Memberships and Affiliations	44,750
CMT-735	06/03/03	Job Grants	Contingency*	Transfer to Capital Projects Fund	5,000
CMT-1496	06/04/03	Supplement Operating Expenses	Custodial Services	Director of General Services	10,000
CMT-736	06/06/03	Contract for Subdivision Ordinance	Reengineering Savings	Transfer to Capital Projects Fund	35,500
CMT-742	06/12/03	Legal Expenses	Reengineering Savings	Economic Development	22,125
CMT-750	06/17/03	Salem Avenue Streetscape Improvements	Juvenile and Domestic Relations Court Services	Transfer to Capital Projects Fund	49,969
CMT-740	06/20/03	Legal Expenses	Contingency*	Economic Development	14,520
CMT-1525	06/30/03	Reclassification of Medicaid Match	Income Maintenance	Comprehensive Services Act	215,000
				Total General Fund	<u>\$ 942,295</u>
<u>Capital Projects Fund:</u>					
CMT-646	09/20/02	Century Square Project	Special Park Project Grants	Sister City Century Square Upgrade	\$ 145
CMT-646	09/20/02	Century Square Project	Roanoke River Center Phase I	Sister City Century Square Upgrade	3,855
CMT-1385	10/31/02	Final Household Hazardous Waste Collection Day	Capital Improvement Reserve	Environmental Issues-PWSC	5,000
CMT-1385	10/31/02	Final Household Hazardous Waste Collection Day	Capital Improvement Reserve	Settlement State DEQ-PWSC	60,000
CMT-665	01/06/03	Environmental Cleanup	Smith Park Riparian	Environmental Issues-PWSC	22,992
CMT-691	03/19/03	Trout Run Culvert Repairs	Garden City Phase 3 Draining Project	Trout Run Culvert Repairs	72,874
CMT-1430	03/27/03	Traffic Signal Poles	Second Street/Gainsboro/Wells Avenue Master Plan Projects	Traffic Signals General Play Structures	30,000
CMT-1467	05/01/03	Ridgewood Park Playground			33,245
CMT-736	06/06/03	Contract Updating Subdivision Ordinance	Comprehensive Plan	Subdivision Ordinance	10,500
				Total Capital Projects Fund	<u>\$ 238,611</u>

CITY OF ROANOKE, VIRGINIA
SUMMARY OF CITY MANAGER TRANSFERS
AND AVAILABLE CONTINGENCY
JUNE 30, 2003
(CONTINUED)

<u>Transfer Number</u>	<u>Date</u>	<u>Explanation</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
<u>Available Contingency</u>					
Balance of Contingency at July 1, 2002					\$ 476,300
*Contingency Transfers From Above					(265,913)
Contingency Appropriations Through Budget Ordinances:					
BO 36022	08/19/02	Drug Prosecutor Local Match	Contingency	Transfer to Grant Fund	(9,381)
BO 36154	12/16/02	Virginia Exile Grant Unused Local Match	Transfer to Grant Fund	Contingency	13,643
BO 36239	02/21/03	Snow Removal	Contingency	Transportation-Snow Removal	(115,000)
BO 36335	05/19/03	Regional Competitiveness	Contingency	Transfer to Grant Fund	(8,193)
Available Contingency at June 30, 2003					<u>\$ 91,456</u>

**CITY OF ROANOKE, VIRGINIA
GENERAL FUND**

**STATEMENT OF REVENUE
(UNAUDITED)**

Revenue Source	Year to Date for the Period			Current Fiscal Year	
	July 1 - June 30 2001-2002	July 1 - June 30 2002-2003	Percentage of Change	Revised Revenue Estimates	Percent of Revenue Estimate Received
General Property Taxes	\$ 69,908,899	\$ 71,674,502	2.53 %	\$ 70,521,394	101.64%
Other Local Taxes	59,645,044	59,522,933	-0.20 %	59,301,164	100.37%
Permits, Fees and Licenses	1,076,603	909,669	-15.51 %	1,030,694	88.26%
Fines and Forfeitures	1,103,113	1,244,283	12.80 %	1,116,350	111.46%
Revenue from Use of Money and Property	1,100,101	1,114,804	1.34 %	1,082,729	102.96%
Grants-in-Aid Commonwealth	53,327,086	52,754,731	-1.07 %	54,143,972	97.43%
Grants-in-Aid Federal Government	34,358	34,358	0.00 %	34,300	100.17%
Charges for Services	3,824,810	4,568,919	19.45 %	4,353,761	104.94%
Miscellaneous Revenue	487,606	475,210	-2.54 %	315,045	150.84%
Internal Services	2,249,103	2,088,614	-7.14 %	2,302,219	90.72%
Total	\$ 192,756,723	\$ 194,388,023	0.85 %	\$ 194,201,628	100.10%

**STATEMENT OF EXPENDITURES AND ENCUMBRANCES
(UNAUDITED)**

Expenditures	Year to Date for the Period			Current Fiscal Year		
	July 1 - June 30 2001-2002	July 1 - June 30 2002-2003	Percentage of Change	Unencumbered Balance	Revised Appropriations	Percent of Budget Obligated
General Government	\$ 11,658,081	\$ 11,579,558	-0.67 %	\$ 140,079	\$ 11,719,637	98.80%
Judicial Administration	5,848,863	6,005,459	2.68 %	172,937	6,178,396	97.20%
Public Safety	45,676,339	45,293,286	-0.84 %	1,386,177	46,679,463	97.03%
Public Works	25,087,175	24,366,061	-2.87 %	385,295	24,751,356	98.44%
Health and Welfare	26,837,070	27,539,447	2.62 %	567,423	28,106,870	97.98%
Parks, Recreation and Cultural	4,909,877	4,666,072	-4.97 %	7,522	4,673,594	99.84%
Community Development	5,031,837	5,443,178	8.17 %	276,556	5,719,734	95.16%
Transfer to Debt Service Fund	12,266,899	16,847,042	37.34 %	-	16,847,042	100.00%
Transfer to School Fund	46,617,823	47,408,556	1.70 %	-	47,408,556	100.00%
Nondepartmental	13,660,407	10,779,392	-21.09 %	137,946	10,917,338	98.74%
Total	\$ 197,594,371	\$ 199,928,051	1.18 %	\$ 3,073,935	\$ 203,001,986	98.49%

Note:

Prior year financial statements have been restated to conform to current year presentation.

**CITY OF ROANOKE, VIRGINIA
SCHOOL FUND STATEMENT OF REVENUE
(UNAUDITED)**

Revenue Source	Year to Date for the Period			Current Fiscal Year	
	July 1 - June 30 2001-2002	July 1 - June 30 2002-2003	Percentage of Change	Revised Revenue Estimates	Percent of Revenue Estimate Received
State Sales Tax	\$ 9,008,675	\$ 8,636,235	-4.13 %	\$ 9,226,504	93.60 %
Grants-in-Aid Commonwealth	41,066,378	43,336,782	5.53 %	43,236,695	100.23 %
Grants-in-Aid Federal Government	107,563	117,949	9.66 %	115,298	102.30 %
Charges for Services	2,093,054	2,535,447	21.14 %	2,127,968	119.15 %
Transfer from General Fund	46,617,823	47,408,556	1.70 %	47,408,556	100.00 %
Special Purpose Grants	14,014,253	13,488,770	-3.75 %	13,488,770	NA
Total	\$ 112,907,746	\$ 115,523,739	2.32 %	\$ 115,603,791	99.93 %

**SCHOOL FUND STATEMENT OF EXPENDITURES AND ENCUMBRANCES
(UNAUDITED)**

Expenditures	Year to Date for the Period			Current Fiscal Year		
	July 1 - June 30 2001-2002	July 1 - June 30 2002-2003	Percentage of Change	Unencumbered Balance	Revised Appropriations	Percent of Budget Obligated
Instruction	\$ 72,310,286	\$ 74,946,541	3.65 %	\$ 852,593	\$ 75,799,134	98.88 %
General Support	3,844,938	3,759,314	-2.23 %	274,658	4,033,972	93.19 %
Transportation	3,912,843	4,058,148	3.71 %	(15,930)	4,042,218	100.39 %
Operation and Maintenance of Plant	10,052,523	10,579,929	5.25 %	361,484	10,941,413	96.70 %
Facilities	2,409,220	3,655,447	51.73 %	126,485	3,781,932	96.66 %
Other Uses of Funds	6,189,453	6,591,572	6.50 %	480,147	7,071,719	93.21 %
Special Purpose Grants	14,014,253	13,488,770	-3.75 %	-	13,488,770	NA
Total	\$ 112,733,516	\$ 117,079,721	3.86 %	\$ 2,079,437	\$ 119,159,158	98.25 %

Note:

Prior year financial statements have been restated to conform to current year presentation.

**CITY OF ROANOKE, VIRGINIA
SCHOOL FOOD SERVICES FUND STATEMENT OF REVENUE
(UNAUDITED)**

Revenue Source	Year to Date for the Period			Current Fiscal Year	
	July 1 - June 30 2001-2002	July 1 - June 30 2002-2003	Percentage of Change	Revised Revenue Estimates	Percent of Revenue Estimate Received
Grants-in-Aid Commonwealth	\$ 84,483	\$ 85,171	0.81 %	\$ 84,464	100.84 %
Grants-in-Aid Federal Government	2,963,043	3,032,778	2.35 %	2,747,730	110.37 %
Charges for Services	1,537,397	1,461,892	-4.91 %	1,689,923	86.51 %
Total	\$ 4,584,923	\$ 4,579,841	-0.11 %	\$ 4,522,117	101.28 %

**SCHOOL FOOD SERVICES FUND STATEMENT OF EXPENDITURES AND ENCUMBRANCES
(UNAUDITED)**

Expenditures	Year to Date for the Period			Current Fiscal Year		
	July 1 - June 30 2001-2002	July 1 - June 30 2002-2003	Percentage of Change	Unencumbered Balance	Revised Appropriations	Percent of Budget Obligated
Food Services	\$ 4,352,109	\$ 4,348,730	-0.08 %	\$ 176,761	\$ 4,525,491	96.09 %
Facilities	54,278	115,951	113.62 %	(66,544)	49,407	234.69 %
Total	\$ 4,406,387	\$ 4,464,681	1.32 %	\$ 110,217	\$ 4,574,898	97.59 %

**CITY OF ROANOKE, VIRGINIA
CAPITAL PROJECTS FUND
STATEMENT OF EXPENDITURES, ENCUMBRANCES, AND
UNENCUMBERED APPROPRIATIONS SUMMARY AS OF JUNE 30, 2003
(UNAUDITED)**

	Budget	Expenditures To Date	Unexpended Balance	Outstanding Encumbrances	Unobligated Balance
General Government	\$ 11,917,966	\$ 9,993,334	\$ 1,924,632	\$ 861,097	\$ 1,063,535
Flood Reduction	18,665,464	7,980,454	10,685,010	153,010	10,532,000
Economic Development	25,157,688	19,333,226	5,824,462	244,096	5,580,366
Community Development	6,559,902	5,742,391	817,511	382,937	434,574
Public Safety	8,225,244	6,960,092	1,265,152	339,005	926,147
Recreation	25,882,638	5,902,785	19,979,853	1,551,822	18,428,031
Streets and Bridges	27,218,917	18,360,766	8,858,151	1,295,517	7,562,634
Storm Drains	3,481,781	2,847,968	633,813	490,944	142,869
Traffic Engineering	5,635,273	4,351,770	1,283,503	44,388	1,239,115
Capital Improvement Reserve	799,134	-	799,134	-	799,134
Total	\$ 133,544,007	\$ 81,472,786	\$ 52,071,221	\$ 5,362,816	\$ 46,708,405

**CITY OF ROANOKE, VIRGINIA
SCHOOL CAPITAL PROJECTS FUND
STATEMENT OF EXPENDITURES, ENCUMBRANCES, AND
UNENCUMBERED APPROPRIATIONS SUMMARY AS OF JUNE 30, 2003
(UNAUDITED)**

	Budget	Expenditures To Date	Unexpended Balance	Outstanding Encumbrances	Unobligated Balance
Elementary Schools Renovation	\$ 20,389,174	\$ 6,239,558	\$ 14,149,616	\$ 12,171,723	\$ 1,977,893
Middle Schools Renovation	981,365	962,733	18,632	-	18,632
High Schools Renovation	1,627,679	277,867	1,349,812	250,000	1,099,812
Transportation Facility Renovation	1,000,000	103,490	896,510	896,510	-
Interest Expense	262,929	212,020	50,909	-	50,909
Capital Improvement Reserve	(743,729)	-	(743,729)	-	(743,729)
Total	\$ 23,517,418	\$ 7,795,668	\$ 15,721,750	\$ 13,318,233	\$ 2,403,517

**CITY OF ROANOKE, VIRGINIA
CAPITAL PROJECTS FUND
COMPARATIVE STATEMENT OF REVENUES
FOR THE TWELVE MONTHS ENDING JUNE 30, 2003
(UNAUDITED)**

	<u>FY 2003</u>	<u>FY 2002</u>
Interest Revenue:		
Interest on Bond Proceeds	\$ 1,119,586	\$ 982,841
Interest on SunTrust Lease	451	12,120
Interest on Idle Working Capital	180,343	540,981
Total Interest Revenue	<u>1,300,380</u>	<u>1,535,942</u>
Multi Year Revenues:		
Intergovernmental Revenue:		
Federal Government:		
FEMA - Regional Mitigation Project	-	19,223
Commonwealth:		
Passenger Station Improvement - ISTE A	973,002	118,989
VDES - Garden City Mitigation Project	-	10,143
Mill Mountain Greenway - ISTE A	343,684	-
Virginia Transportation Museum - ISTE A	357,791	23,064
Railside Linear Walk - ISTE A	298,564	-
Lick Run Greenway - TEA21	50,367	-
Total Intergovernmental Revenue	<u>2,023,408</u>	<u>171,419</u>
Revenue from Third Parties:		
Advance Stores Governor's Opportunity Fund Agreement	-	670,000
First Union Job Grant Repayment	31,200	44,400
Anthem Insurance - Land Sale	-	100
Times-World Corporation - Land Sale	-	3,100
Mill Mountain Greenway - Fralin Trust Donation	20,000	-
Roanoke Times Air Right Lease	-	8,500
Sale of Nelms Lane Property	-	500
First Tee Golf Deposit	-	15
Household Hazardous Waste Day - Roanoke County	7,500	-
Household Hazardous Waste Day - City of Salem	1,500	-
Household Hazardous Waste Day - Town of Vinton	1,000	-
Total Revenue from Third Parties	<u>61,200</u>	<u>726,615</u>
Other Revenue:		
Transfer from General Fund	4,945,967	6,439,336
Transfer from Water Fund	-	375,000
Transfer from Fleet Management Fund	41,940	-
General Obligation Bond Proceeds - Series 2002	-	41,530,000
Total Other Revenue	<u>4,987,907</u>	<u>48,344,336</u>
Total	<u><u>\$ 8,372,895</u></u>	<u><u>\$ 50,778,312</u></u>

**CITY OF ROANOKE, VIRGINIA
WATER FUND
COMPARATIVE INCOME STATEMENT
FOR THE TWELVE MONTHS ENDING JUNE 30, 2003
(UNAUDITED)**

	<u>FY 2003</u>	<u>FY 2002</u>
Operating Revenues		
Commercial Sales	\$ 4,754,405	\$ 4,523,573
Domestic Sales	4,223,992	3,779,017
Industrial Sales	642,072	663,507
Town of Vinton	33,392	29,277
City of Salem	34,367	29,726
County of Botetourt	262,231	233,572
County of Bedford	35,256	31,106
Customer Services	435,505	590,748
Charges for Services	1,209,316	1,353,399
Total Operating Revenues	<u>11,630,536</u>	<u>11,233,925</u>
Operating Expenses		
Personal Services	4,417,797	4,172,676
Operating Expenses	3,961,077	3,627,679
Purchased Water - Roanoke County	1,907,359	387,047
Purchased Water - City of Salem	589,419	26,809
Depreciation	1,652,411	1,683,431
Total Operating Expenses	<u>12,528,063</u>	<u>9,897,642</u>
Operating Income (Loss)	<u>(897,527)</u>	<u>1,336,283</u>
Nonoperating Revenues (Expenses)		
Interest on Investments	81,526	200,117
Rent	125,200	78,689
Gain on Disposal of Asset	-	355,750
Miscellaneous Revenue (Expense)	(22,342)	60,967
Transfer to Capital Projects Fund	-	(375,000)
Transfer to Department of Technology Fund	(41,146)	-
Interest and Fiscal Charges	(1,083,856)	(1,034,970)
Net Nonoperating Expenses	<u>(940,618)</u>	<u>(714,447)</u>
Net Income (Loss)	<u><u>\$ (1,838,145)</u></u>	<u><u>\$ 621,836</u></u>

Note: Prior year financial statements have been restated to conform to current year presentation.

**CITY OF ROANOKE, VIRGINIA
WATER POLLUTION CONTROL FUND
COMPARATIVE INCOME STATEMENT
FOR THE TWELVE MONTHS ENDING JUNE 30, 2003
(UNAUDITED)**

	<u>FY 2003</u>	<u>FY 2002</u>
Operating Revenues		
Sewage Charges - City	\$ 6,685,845	\$ 7,146,455
Sewage Charges - Roanoke County	1,696,772	879,564
Sewage Charges - Vinton	307,767	230,927
Sewage Charges - Salem	1,618,697	859,011
Sewage Charges - Botetourt County	248,614	161,510
Customer Services	196,121	156,034
Interfund Services	212,662	201,515
Total Operating Revenues	<u>10,966,478</u>	<u>9,635,016</u>
Operating Expenses		
Personal Services	2,141,478	2,073,682
Operating Expenses	5,436,275	6,183,213
Depreciation	1,857,220	1,406,590
Total Operating Expenses	<u>9,434,973</u>	<u>9,663,485</u>
Operating Revenue (Loss)	<u>1,531,505</u>	<u>(28,469)</u>
Nonoperating Revenues (Expenses)		
Interest on Investments	132,732	177,447
Miscellaneous Revenue (Expense)	(226)	16
Capital Contributions - Other Jurisdictions	97,832	154,502
Transfer to Department of Technology Fund	(27,248)	-
Loss on Disposal of Fixed Assets	-	(34,082)
Interest and Fiscal Charges	(743,890)	(759,774)
Net Nonoperating Expenses	<u>(540,800)</u>	<u>(461,891)</u>
Net Income (Loss)	<u><u>\$ 990,705</u></u>	<u><u>\$ (490,360)</u></u>

Note: Prior year financial statements have been restated to conform to current year presentation.

**CITY OF ROANOKE, VIRGINIA
CIVIC CENTER FUND
COMPARATIVE INCOME STATEMENT
FOR THE TWELVE MONTHS ENDING JUNE 30, 2003
(UNAUDITED)**

	<u>FY 2003</u>	<u>FY 2002</u>
Operating Revenues		
Rentals	901,069	\$ 675,191
Event Expenses	299,831	348,813
Display Advertising	16,500	178,180
Admissions Tax	501,330	271,324
Electrical Fees	6,060	11,061
Novelty Fees	103,187	62,188
Facility Surcharge	232,139	260,127
Charge Card Fees	31,719	80,278
Commissions	108,829	7,877
Catering/Concessions	1,196,541	1,273,945
Other	15,768	37,499
Total Operating Revenues	<u>3,412,973</u>	<u>3,206,483</u>
Operating Expenses		
Personal Services	1,946,989	1,993,930
Operating Expenses	2,368,810	2,049,420
Depreciation	528,186	495,976
Total Operating Expenses	<u>4,843,985</u>	<u>4,539,326</u>
Operating Loss	<u>(1,431,012)</u>	<u>(1,332,843)</u>
Nonoperating Revenues		
Interest on Investments	15,362	32,666
Transfer from General Fund-Operating	1,590,630	1,137,130
Capital Contributions	-	655,831
Transfer from General Fund-Nonoperating	-	830,000
Transfer from General Fund-Victory Stadium	204,555	204,555
Transfer from Capital Projects Fund	-	385,000
Transfer to Debt Service Fund	(69,330)	-
Transfer to Department of Technology Fund	(47,754)	-
Loss on Disposal of Fixed Assets	(15,352)	-
Interest Expense	(648)	(270)
Contractual Penalties	105,017	-
Miscellaneous	26,820	1,677
Total Nonoperating Revenues	<u>1,809,300</u>	<u>3,246,589</u>
Net Income	<u><u>\$ 378,288</u></u>	<u><u>\$ 1,913,746</u></u>

**CITY OF ROANOKE, VIRGINIA
PARKING FUND
COMPARATIVE INCOME STATEMENT
FOR THE TWELVE MONTHS ENDING JUNE 30, 2003
(UNAUDITED)**

	<u>FY 2003</u>	<u>FY 2002</u>
Operating Revenues		
Century Station Parking Garage	\$ 375,841	\$ 385,312
Williamson Road Parking Garage	437,708	440,431
Market Square Parking Garage	226,431	217,106
Church Avenue Parking Garage	493,818	472,106
Tower Parking Garage	401,597	407,046
Gainsboro Parking Garage	48,504	8,649
Williamson Road Surface Lots	74,714	103,391
Norfolk Avenue Surface Lot	58,699	28,356
Gainsboro Surface Lot	36,668	15,085
Other Surface Lots	85,545	-
	<u>2,239,525</u>	<u>2,077,482</u>
Total Operating Revenues		
Operating Expenses		
Operating Expenses	1,149,816	830,189
Depreciation	549,356	541,516
	<u>1,699,172</u>	<u>1,371,705</u>
Total Operating Expenses		
Operating Income	<u>540,353</u>	<u>705,777</u>
Nonoperating Revenues (Expenses)		
Interest on Investments	7,750	27,423
Capital Contributions	-	3,907,752
Transfer from General Fund	115,000	32,000
Transfer from Capital Projects Fund	-	129,267
Transfer to General Fund	-	(209,835)
Interest and Fiscal Charges	(589,221)	(497,710)
Miscellaneous	-	2,836
	<u>(466,471)</u>	<u>3,391,733</u>
Net Nonoperating Expenses		
Net Income	<u><u>\$ 73,882</u></u>	<u><u>\$ 4,097,510</u></u>

**CITY OF ROANOKE, VIRGINIA
MARKET BUILDING FUND
INCOME STATEMENT
FOR THE TWELVE MONTHS ENDING JUNE 30, 2003
(UNAUDITED)**

	<u>FY 2003</u>
Operating Revenues	
Retail Space Rental	<u>\$ 134,868</u>
Total Operating Revenues	<u>134,868</u>
Operating Expenses	
Operating Expense	138,911
Depreciation	<u>3,743</u>
Total Operating Expenses	<u>142,654</u>
Operating Loss	<u>(7,786)</u>
Nonoperating Revenues	
Interest on Investments	1,839
Transfer From Capital Projects Fund	295,000
Capital Contributions	289,220
Miscellaneous Revenue	<u>450</u>
Net Nonoperating Revenues	<u>586,509</u>
Net Income	<u><u>\$ 578,723</u></u>

**CITY OF ROANOKE, VIRGINIA
HOTEL ROANOKE CONFERENCE CENTER COMMISSION
COMPARATIVE INCOME STATEMENT
FOR THE TWELVE MONTHS ENDING JUNE 30, 2003
(UNAUDITED)**

	<u>FY 2003</u>	<u>FY 2002</u>
Operating Expenses		
Salaries and Fringe Benefits	\$ 51,829	\$ 56,554
Fees for Professional Services	94,533	87,883
Administrative Expenses	<u>3,907</u>	<u>33,776</u>
Total Operating Expenses	<u>150,270</u>	<u>178,213</u>
Nonoperating Revenues (Expenses)		
Contributions from City of Roanoke	125,000	175,000
Contributions from Virginia Tech	125,000	175,000
Construction Repairs	-	(57,428)
Interest on Investments	<u>60,915</u>	<u>103,700</u>
Net Nonoperating Revenues	<u>310,915</u>	<u>396,272</u>
Net Income Before Depreciation	160,645	218,059
Depreciation Expense	<u>(511,236)</u>	<u>(511,236)</u>
Net Loss	<u><u>\$ (350,591)</u></u>	<u><u>\$ (293,177)</u></u>

Note: Financial information represents activity of the Commission as accounted for in the City's financial records.

**CITY OF ROANOKE, VIRGINIA
INTERNAL SERVICE FUNDS
COMPARATIVE INCOME STATEMENT
FOR THE TWELVE MONTHS ENDING JUNE 30, 2003
(UNAUDITED)**

	Department of Technology	Fleet Management	Risk Management	TOTALS	
				FY 2003	FY 2002
Operating Revenues					
Charges for Services	\$ 4,333,362	\$ 4,433,659	\$ 11,104,078	\$ 19,871,099	\$ 17,867,843
Total Operating Revenues	4,333,362	4,433,659	11,104,078	19,871,099	17,867,843
Operating Expenses					
Personal Services	2,139,815	1,280,993	148,294	3,569,102	3,505,820
Operating Expenses	1,522,938	1,930,799	11,751,669	15,205,406	11,934,626
Depreciation	699,823	1,977,640	-	2,677,463	2,551,734
Total Operating Expenses	4,362,576	5,189,432	11,899,963	21,451,971	17,992,180
Operating Income (Loss)	(29,214)	(755,773)	(795,885)	(1,580,872)	(124,337)
Nonoperating Revenues (Expenses)					
Interest Revenue	79,439	19,909	281,057	380,405	454,444
Interest Expense	(8,667)	(77,656)	-	(86,323)	(79,352)
Transfers From General Fund	629,229	1,387,930	250,000	2,267,159	3,528,478
Transfer From Water Fund	41,146	-	-	41,146	-
Transfer From Water Pollution Control Fund	27,248	-	-	27,248	-
Transfer From Civic Center Fund	47,754	-	-	47,754	-
Transfer to Capital Projects Fund	-	(41,940)	-	(41,940)	-
Transfer to Grant Fund	-	-	-	-	(41,350)
Loss on Disposal of Fixed Assets	(26,079)	(1,504)	-	(27,583)	(57,877)
Other Revenue	51,846	20,400	44,716	116,962	309,247
Net Nonoperating Revenues	841,916	1,307,139	575,773	2,724,828	4,113,590
Net Income (Loss)	\$ 812,702	\$ 551,366	\$ (220,112)	\$ 1,143,956	\$ 3,989,253

Note: Prior year financial statements have been restated to conform to current year presentation.

CITY OF ROANOKE, VIRGINIA
CITY TREASURER'S OFFICE
GENERAL STATEMENT OF ACCOUNTABILITY
FOR THE MONTH ENDED JUNE 30, 2003

TO THE DIRECTOR OF FINANCE:

GENERAL STATEMENT OF ACCOUNTABILITY OF THE CITY TREASURER OF THE CITY OF ROANOKE, VIRGINIA FOR
THE FUNDS OF SAID CITY FOR THE MONTH ENDED JUNE 30, 2003.

FUND	BALANCE AT MAY 31, 2003	RECEIPTS	DISBURSEMENTS	BALANCE AT JUNE 30, 2003	BALANCE AT JUNE 30, 2002
GENERAL	\$11,822,688.92	\$16,507,051.97	\$21,436,895.85	\$6,892,845.04	\$8,582,361.83
WATER	4,455,992.61	613,161.61	567,525.89	4,501,628.33	11,005,337.18
WATER POLLUTION CONTROL	9,094,320.45	1,846,752.67	2,533,062.64	8,408,010.48	9,544,640.75
CIVIC FACILITIES	949,578.94	929,053.54	351,779.97	1,526,852.51	5,153,753.81
PARKING	491,175.08	194,995.43	113,292.37	572,878.14	542,021.37
CAPITAL PROJECTS	53,199,592.53	1,546,752.43	1,135,455.81	53,610,889.15	63,441,044.56
MARKET BUILDING OPERATIONS	299,143.13	25,210.64	28,170.96	296,182.81	0.00
CONFERENCE CENTER	3,897,350.57	1,901.36	19,984.30	3,879,267.63	4,274,107.39
RKE VALLEY DETENTION COMM	0.00	0.00	0.00	0.00	2,088,679.54
DEBT SERVICE	14,409,230.13	13,861.36	0.00	14,423,091.49	14,094,179.30
DEPT OF TECHNOLOGY	5,232,034.84	308,840.28	387,077.60	5,153,797.52	5,811,099.54
MATERIALS CONTROL	0.00	0.00	0.00	0.00	305,557.55
FLEET MANAGEMENT	1,401,362.74	173,788.65	234,947.67	1,340,203.72	687,256.21
PAYROLL	(12,049,243.40)	23,672,795.62	15,005,440.72	(3,381,888.50)	(3,174,053.24)
RISK MANAGEMENT	11,919,953.36	811,948.33	677,377.30	12,054,524.39	12,119,501.32
PENSION	335,473.09	3,125,299.20	2,853,702.66	607,069.63	549,598.21
SCHOOL FUND	8,871,299.16	9,072,802.87	6,446,190.85	11,497,911.18	10,275,257.27
SCHOOL CAPITAL PROJECTS	9,307,250.69	4,760.04	225,720.29	9,086,290.44	6,977,891.00
SCHOOL FOOD SERVICE	562,579.47	547,871.64	583,732.26	526,718.85	326,587.95
FDETC	49,318.01	146,421.93	133,289.36	62,450.58	47,779.55
GRANT	1,054,039.50	148,448.72	516,842.95	685,645.27	256,858.95
TOTAL	\$125,303,139.82	\$59,691,718.29	\$53,250,489.45	\$131,744,368.66	\$152,909,460.04

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE STATEMENT OF MY ACCOUNTABILITY TO THE CITY OF ROANOKE, VIRGINIA, FOR THE FUNDS OF THE VARIOUS ACCOUNTS THEREOF FOR THE MONTH ENDED JUNE 30, 2003.
THAT SAID FOREGOING:

CASH:

CASH IN HAND	\$1,152,626.23
CASH IN BANK	1,462,304.50

INVESTMENTS ACQUIRED FROM COMPETITIVE PROPOSALS:

COMMERCIAL HIGH PERFORMANCE MONEY MARKET	13,263,381.50
LOCAL GOVERNMENT INVESTMENT POOL	27,826,284.99
MONEY MANAGEMENT ACCOUNT	10,402,764.22
REPURCHASE AGREEMENTS	30,000,000.00
U. S. AGENCIES	8,024,375.00
VIRGINIA AIM PROGRAM (U. S. SECURITIES)	39,612,632.22
TOTAL	<u>\$131,744,368.66</u>

DATE: JULY 14, 2003


DAVID C. ANDERSON, TREASURER

CITY OF ROANOKE PENSION PLAN
COMPARATIVE STATEMENT OF CHANGES IN PLAN NET ASSETS
FOR THE 12 MONTHS ENDED JUNE 30, 2003
(UNAUDITED)

	<u>FY 2003</u>	<u>FY 2002</u>
<u>Additions:</u>		
Employer Contributions	\$ 4,674,288	\$ 4,328,760
Investment Income		
Net Appreciation (Depreciation) in Fair Value of Investments	4,032,917	(32,023,041)
Interest and Dividend Income	3,311,489	6,872,516
Total Investment Income (Loss)	7,344,406	(25,150,525)
Less Investment Expense	552,940	725,519
Net Investment Income (Loss)	6,791,466	(25,876,044)
Total Additions (Deductions)	<u>\$ 11,465,754</u>	<u>\$ (21,547,284)</u>
 <u>Deductions</u>		
Benefits Paid to Participants	\$ 16,708,912	\$ 14,927,914
Administrative Expenses	308,100	328,467
Total Deductions	<u>17,017,012</u>	<u>15,256,381</u>
 Net Increase (Decrease)	(5,551,258)	(36,803,665)
 Net Assets Held in Trust for Pension Benefits:		
Fund Balance July 1	289,534,315	326,337,980
Fund Balance June 30	<u><u>\$283,983,057</u></u>	<u><u>\$289,534,315</u></u>

**CITY OF ROANOKE PENSION PLAN
COMPARATIVE BALANCE SHEET
JUNE 30, 2003
(UNAUDITED)**

	<u>FY 2003</u>	<u>FY 2002</u>
<u>Assets</u>		
Cash	\$ 594,436	\$ 541,276
Investments, at Fair Value	285,239,394	292,195,749
Employer Contributions Receivable	530,146	216,745
Accrued Investment Income	321,950	438,161
Other Assets	<u>6,150</u>	<u>5,785</u>
Total Assets	<u>\$ 286,692,076</u>	<u>\$ 293,397,716</u>
 <u>Liabilities and Fund Balance</u>		
Liabilities:		
Accounts Payable	\$ 173,013	\$ 108,616
Payable for Cash Collateral on Loaned Securities	<u>2,536,006</u>	<u>3,754,785</u>
Total Liabilities	<u>2,709,019</u>	<u>3,863,401</u>
 Fund Balance:		
Fund Balance, July 1	289,534,315	326,337,980
Net Gain (Loss) - Year to Date	<u>(5,551,258)</u>	<u>(36,803,665)</u>
Total Fund Balance	<u>283,983,057</u>	<u>289,534,315</u>
 Total Liabilities and Fund Balance	<u>\$ 286,692,076</u>	<u>\$ 293,397,716</u>



Gloria P. Manns, Chairman
 Ruth C. Willson, Vice Chairman
 William H. Lindsey

Melinda J. Payne
 Robert J. Sparrow
 Kathy G. Stockburger

David B. Trinkle, M.D.
 E. Wayne Harris, Ed.D., Superintendent
 Cindy H. Lee, Clerk of the Board

Roanoke
 City School Board P.O. Box 13145, Roanoke, Virginia 24031 • 540-853-2381 • Fax: 540-853-2951

August 18, 2003

The Honorable Ralph K. Smith, Mayor
 and Members of Roanoke City Council
 Roanoke, VA 24011

Dear Members of Council:

As the result of official School Board action at its August 12 meeting, the Board respectfully requests City Council to approve the following appropriations and transfers:

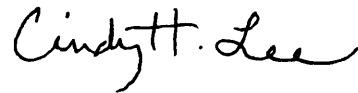
- \$95,000.00 for Fallon Park Elementary School improvements. The funds will be used for design fees for the electrical, heating, ventilation and air conditioning upgrade for Fallon Park. Funding will be provided from the School Fund Reserve.
- \$240,000.00 for Westside Elementary School improvements. The funds will be used for the preparation of construction and bidding documents and for construction administration of renovations and an addition at Westside. Funding will be provided from the School Fund Reserve.
- \$22,000.00 for the 2003 Instructional Support Team Project to assist the division in providing services for children with disabilities at Fallon Park Elementary School. This new grant program is being funded from federal Individuals with Disabilities Education Act funds.
- The transfer of \$1,332,365.00 in unappropriated balances of Capital Maintenance and Equipment Replacement Funds remaining at June 30, 2003, to a Reserve for Capital Improvements for Future School Construction Costs will provide cash funding for planned future school renovation and construction costs. It is anticipated that the future appropriation of these funds will be made to the School Capital Projects Fund.
- The transfer of \$872,500.00 in Capital Maintenance and Equipment Replacement Funds appropriated during the 2003 fiscal year from the Construction of Transportation Facility account in the School Fund to the School

Members of Council
Page 2
August 18, 2003

Transportation Facility account in the School Capital Projects Fund will enable all costs of the new facility to be recorded in the School Capital Projects Fund and will allow for appropriate capitalization of the project upon completion of the construction.

Thank you for your attention to this request.

Sincerely,

A handwritten signature in cursive script that reads "Cindy H. Lee".

Cindy H. Lee, Clerk

re

cc: Mrs. Gloria P. Manns
Dr. E. Wayne Harris
Mr. Richard L. Kelley
Mr. Kenneth F. Mundy

Mrs. Darlene Burcham
Mr. William M. Hackworth
Mr. Jesse A. Hall
Mr. Jim Wells (with accounting
Details)



CITY OF ROANOKE

DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461

P.O. Box 1220

Roanoke, Virginia 24006-1220

Telephone: (540) 853-2821

Fax: (540) 853-6142

JESSE A. HALL

Director of Finance

email: jesse_hall@ci.roanoke.va.us

August 18, 2003

ANN H. SHAWVER

Deputy Director

email: ann_shawver@ci.roanoke.va.us

The Honorable Ralph K. Smith, Mayor
 The Honorable C. Nelson Harris, Vice Mayor
 The Honorable William D. Bestpitch, Council Member
 The Honorable M. Rupert Cutler, Council Member
 The Honorable Alfred T. Dowe, Jr., Council Member
 The Honorable Beverly T. Fitzpatrick, Jr., Council Member
 The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

We have reviewed the attached request to appropriate funding for the School Board. This report will appropriate the following:

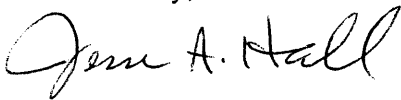
- \$95,000 for Fallon Park Elementary School improvements. The funds will be used for design fees for the electrical, heating, ventilation and air conditioning upgrade for Fallon Park. Funding will be provided from the School Fund Reserve.
- \$240,000 for Westside Elementary School improvements. The funds will be used for the preparation of construction and bidding documents and for construction administration of renovations and an addition at Westside. Funding will be provided from the School Fund Reserve.
- \$22,000 for the 2003 Instructional Support Team Project to assist the division in providing services for children with disabilities at Fallon Park Elementary School. This new grant program is being funded from federal Individuals with Disabilities Education Act funds.
- The transfer of \$1,332,365 in unappropriated balances of Capital Maintenance and Equipment Replacement (CMERP) funds remaining in both the General and School Funds at June 30, 2003, to a Reserve for Capital Improvements for Future School Construction Costs in the School Fund. This funding will provide for planned future school renovation and construction costs. These funds will subsequently be transferred to other accounts in the School Capital Projects Fund.

Honorable Mayor and Members
of City Council
August 18, 2003

- The transfer of \$607,947 in Capital Maintenance and Equipment Replacement Funds appropriated during the 2003 fiscal year from the Construction of Transportation Facility account in the School Fund to the School Transportation Facility account in the School Capital Projects Fund. Expenses incurred in FY03 in the School Fund in the amount of \$264,553 have been capitalized as construction in process and will be combined with the School Capital Project fund expenditures. This will enable all costs of the new facility to be recorded in the School Capital Projects Fund and will allow for appropriate capitalization of the project upon completion of the construction

I recommend that you concur with this report of the School Board.

Sincerely,



Jesse A. Hall
Director of Finance

Attachment

JAH/ctg

c: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
E. Wayne Harris, Superintendent of City Schools

fw

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2003-2004 General, School, and School Capital Projects Funds Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2003-2004 General, School, and School Capital Projects Funds Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

General Fund

Appropriations

Nondepartmental	\$ 74,895,263
Transfer to School Fund - CMERP (1)	1,025,630

Fund Balance

Reserved for CMERP – Schools (2)	\$ 529,557
--	------------

School Fund

Appropriations

Education	\$ 154,851,371
Instructional Support Team Project 2003 (3).....	22,000
Facilities (4).....	1,454,759

Other Uses of Fund	6,204,628
Transfer to School Capital Projects Fund (5)	1,342,947

Revenues

Grants	\$ 38,249,408
Instructional Support Team Project 2003 (6).....	22,000

Non-Operating	\$ 50,015,076
Transfer from General Fund – CMERP (7)	1,025,630

Fund Balance

Reserved for CMERP – Schools (8)	\$	2,000,149
Reserved for Future Capital Projects (9-10).....		997,365

School Capital Projects Fund

Appropriations

Education	\$	24,860,365
School Transportation Facility (11)		1,607,947
Fallon Park Elementary School Improvements (12).....		95,000
Westside Elementary School Improvements (13)		240,000

Revenues

Non-Operating	\$	1,592,947
Transfer from School Fund (14).....		942,947

1) Transfer to School Fund		
- CMERP (001-250-9310-9532)	\$1,025,630	
2) Reserved for CMERP (001-3324)	(1,025,630)	
3) Compensation		
of Teachers (030-062-6593-6029-0121)	22,000	
4) Buildings (030-065-6006-6896-0851)	(607,947)	
5) Transfer to School		
Capital Projects Fund (030-065-6007-6896-9531)	942,947	
6) Federal Grant Receipts (030-062-6593-1102)	22,000	
7) Transfer from General		
Fund - CMERP (030-060-6000-1356)	1,025,630	
8) Reserved for CMERP		
- Schools (030-3324)	(306,735)	
9) Reserved for Future		
Capital Projects (030-3329)	1,332,365	
10) Reserved for Future		
Capital Projects (030-3329)	(335,000)	
11) Appropriated from		
General Revenue (031-060-6065-6896-9003)	607,947	
12) Appropriated from		
General Revenue (031-065-6067-6896-9003)	95,000	
13) Appropriated from		
General Revenue (031-054-6068-6896-9003)	240,000	
14) Transfer from		
School Fund (031-065-6065-1127)	942,947	

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

August 18, 2003

Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: Virginia Derelict Structures Fund
and Funding Agreement with
Blue Ridge Housing
Development Corporation to
Renovate 1018 Jamison Avenue
CM03-0164

This is to request space on Council's regular agenda for a report on the above
referenced subject.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:sm

c: City Attorney
City Clerk
Director of Finance

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing execution of an Agreement between the City and Blue Ridge Housing Development Corporation in order to provide funds from the Derelict Structures Fund, in the amount of \$50,000.00, to Blue Ridge Housing Development Corporation for renovation of property located at 1018 Jamison Avenue, upon certain terms and conditions.

WHEREAS, by Resolution No. 35005-080700, adopted August 7, 2000, City Council authorized the City Manager to prepare and submit an application to the Virginia Department of Housing and Community Development for a grant from the Derelict Structures Fund in the amount of \$100,000.00 on behalf of Northwest Neighborhood Environmental Organization and Two B Investments;

WHEREAS, the grant was awarded, and a funding agreement was executed between the City and the Department of Housing and Community Development on May 29, 2001;

WHEREAS, the City of Roanoke has \$50,000.00 of unexpended funds from the grant;

WHEREAS, Blue Ridge Housing Development Corporation ("BRHDC") desires to utilize the City's remaining \$50,000.00, on a reimbursement basis, to renovate property located at 1018 Jamison Avenue, which is in the Southeast by Design neighborhood; and

WHEREAS, BRHDC is committing \$70,000.00 from its own line of credit, and in partnership with Total Action Against Poverty, will commit another \$30,000.00 for match.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Roanoke that the City Manager, or the Assistant City Manager, is hereby authorized to execute any and all requisite

documents, approved as to form by the City Attorney, to allocate \$50,000.00 of the Derelict Structures Fund grant to BRHDC on a reimbursement basis, as more particularly set out in the City Manager's letter dated August 18, 2003, to this Council.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION amending Paragraph 6 of Resolution No. 36414-070703, adopted on July 7, 2003, which resolution established a meeting schedule for City Council for the Fiscal Year commencing July 1, 2003, and terminating June 30, 2004, in order to provide that the portion of the regular meetings which begins at 9:00 a.m. for the conduct of informal meetings, work sessions or closed meetings of City Council will be convened in the Emergency Operations Center (EOC) Conference Room instead of Council Chambers.

WHEREAS, Resolution No. 36414-070703, adopted on July 7, 2002, established a meeting schedule for City Council for the Fiscal Year commencing July 1, 2003, and ending June 30, 2004; and

WHEREAS, it is the desire of City Council to change the location of the 9:00 a.m. work sessions of Council;

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. Paragraph 6 of Resolution No. 36414-070703 adopted on July 7, 2003, is hereby amended to read and provide as follows:

6. All regular meetings of City Council shall be held in Council Chambers, Room 450, of the Municipal Building in this City, unless otherwise provided by resolution of Council, *with the exception of the 9:00 a.m. work sessions, which shall convene in the Emergency Operations Center (EOC) Conference Room.*



CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

A. 1.

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

Architectural Review Board
Board of Zoning Appeals
Planning Commission

August 18, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from Akzo Nobel Coatings, Inc., represented by Sam Winkler, that a portion of Roanoke Avenue, S.W., adjacent to Burks Street, be permanently closed by barricade.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, July 17, 2003. By a vote of 6-0 (Mr. Butler absent), the Commission recommended approval of the request.

Background:

The petitioner requests that Roanoke Avenue, S.W. be closed by barricade where it intersects with Burks Street, S.W.

The petitioner met with the Police Department to discuss safety precautions for the site. The Police Department advised the petitioner to request closure of the portion of Roanoke Avenue that is used only by the petitioner and Norfolk Southern Railway.

Mr. Manetta asked Mr. Talevi if the conditions of the barricade were binding. Mr. Talevi advised that if access to the right-of-way was ever denied, i.e. the conditions were not abided by; the City would have the authority to remove any barricade erected and reopen the right-of-way. Mr. Rife explained that a double lock barricade could be employed by connecting two padlocks to a chain, one each for the petitioner and Norfolk Southern.

Considerations:

This portion of Roanoke Avenue is adjoined by parcels zoned HM, Heavy Manufacturing, to the north, and LM, Light Manufacturing, to the south. The petitioner's site is to the north and southwest of the proposed barricade. All of the adjoining uses are industrial.

This portion of Roanoke Avenue dead ends on its western end where it abuts the Norfolk Southern railroad right-of-way. Norfolk Southern is the only other property owner that requires access via this portion of Roanoke Avenue.

The area is served by public utilities. A main sewer line runs under the subject portion of right-of-way. Staff received comments from American Electric Power (AEP), and Verizon. Verizon stated no objection to the request. AEP stated that it has facilities in the right-of-way and would need to maintain an easement.

The petitioner proposes to install a locked gate over the right-of-way and a guard house adjacent to the street. The guard house will be on the petitioner's property and will be staffed from 6:00 p.m. to 6:00 a.m. The gate will be left open at all other times. The proposed barricade will not affect access to utilities, and since no right-of-way is being conveyed, public utility easements are not necessary for this petition.

Closing Roanoke Avenue at Burks Street will have no impact on traffic in the area. The barricade will allow the petitioner to effectively incorporate the portion of right-of-way as part of their site, while the City retains ownership. The petitioner will be required to provide a gate with a double lock to allow full-time access by Norfolk Southern. Due to Norfolk Southern's need for access, vacation of the right-of-way is not feasible.

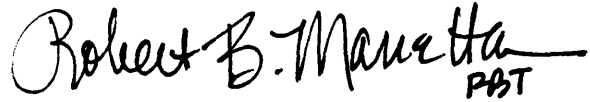
Recommendation:

The Planning Commission recommended approval of the request to close Roanoke Avenue by barricade to the west of its intersection with Burks Street, S.W.

The conditions for this closure by barricade are as follows:

- A. The petitioner will be responsible for erecting a gate with a double lock system to allow Norfolk Southern employees access via their own lock and keys.
- B. The petitioner shall allow access to the closed portion of Roanoke Avenue to the City of Roanoke or any party representing or acting on behalf of the City of Roanoke and to all public utility entities with facilities located within the right-of-way.

Respectfully submitted,



Robert B. Manetta, Chairman
Roanoke City Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Sam Winkler, Akzo Coatings, Petitioner



Coatings Division

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

RE: Petition to close by barricade

Application of Akzo Nobel Coatings Inc. for closure by barricade of Roanoke Avenue adjacent to Burks Street as shown by the map.

MEMBERS OF COUNCIL:

Akzo Nobel Coatings Inc., applies to have Roanoke Avenue S.W. adjacent to Burks Street, in the City of Roanoke, Virginia, permanently closed by barricade pursuant to Virginia Code Section 15.2-2006 and Section 30-14, Code of the City of Roanoke (1979) as amended. This street is more particular described on the map attached and as follows:

Section of Roanoke Avenue S.W. beginning at Burks Street continuing back to the Norfolk and Southern rail tracks. This section of Roanoke Avenue is unpaved and has no additional adjoining property owners.

Akzo Nobel Coatings Inc. states that the grounds for this application are as follows:

1. The only landowner who needs access to this street would be Norfolk and Southern to reach their tracks. Access would be granted to Norfolk and Southern.
2. The Roanoke Police Department in compiling site security recommendations have suggested Akzo Nobel Coatings petition to close the section of Roanoke Avenue stated.
3. Akzo Nobel Coatings Inc. intends to gate the street and place a Guard Shack adjacent to the gate. This has been discussed with Norfolk and Southern Railroad. They were informed they would have access. Norfolk and Southern are in agreement with this.

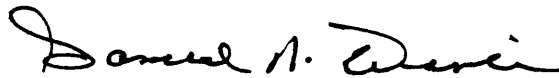
Reliance

Akzo Nobel Coatings Inc.
2837 Roanoke Ave., S.W.
P.O. Box 4627
Roanoke, VA 24015-0627
Tel. (540) 982-8301
FAX (540) 343-3863

4. Akzo Nobel intends to pave the closed section in compliance with City paving standards. This will enable Akzo Noble Coatings to more effectively implement the Stormwater Pollution Prevention Control Plan as required by the Federal Government.

WHEREFORE, Akzo Nobel Coatings Inc. respectfully requests that the above-described street be closed by barricade by the Council of the City of Roanoke, Virginia, in accordance with Virginia code Section 15.2-2006 and Section 30-14, Code of the city of Roanoke (1979), as amended.

Respectfully submitted,

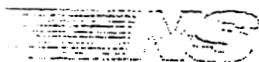


Samuel N. Winkler

May 30, 2003

Akzo Nobel Coatings Inc.
2837 Roanoke Avenue S.W.
Roanoke, VA

(540) 855-3302

**NORFOLK
SOUTHERN**

Norfolk Southern Corporation
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0053
540/981-4476
Fax: 540/981-4880

Superintendent

June 2, 2003

File: 425

Mr. Sam Winkler
Azko-Nobel
2837 Roanoke Avenue SW
Roanoke, VA 24015

Dear Mr. Winkler:

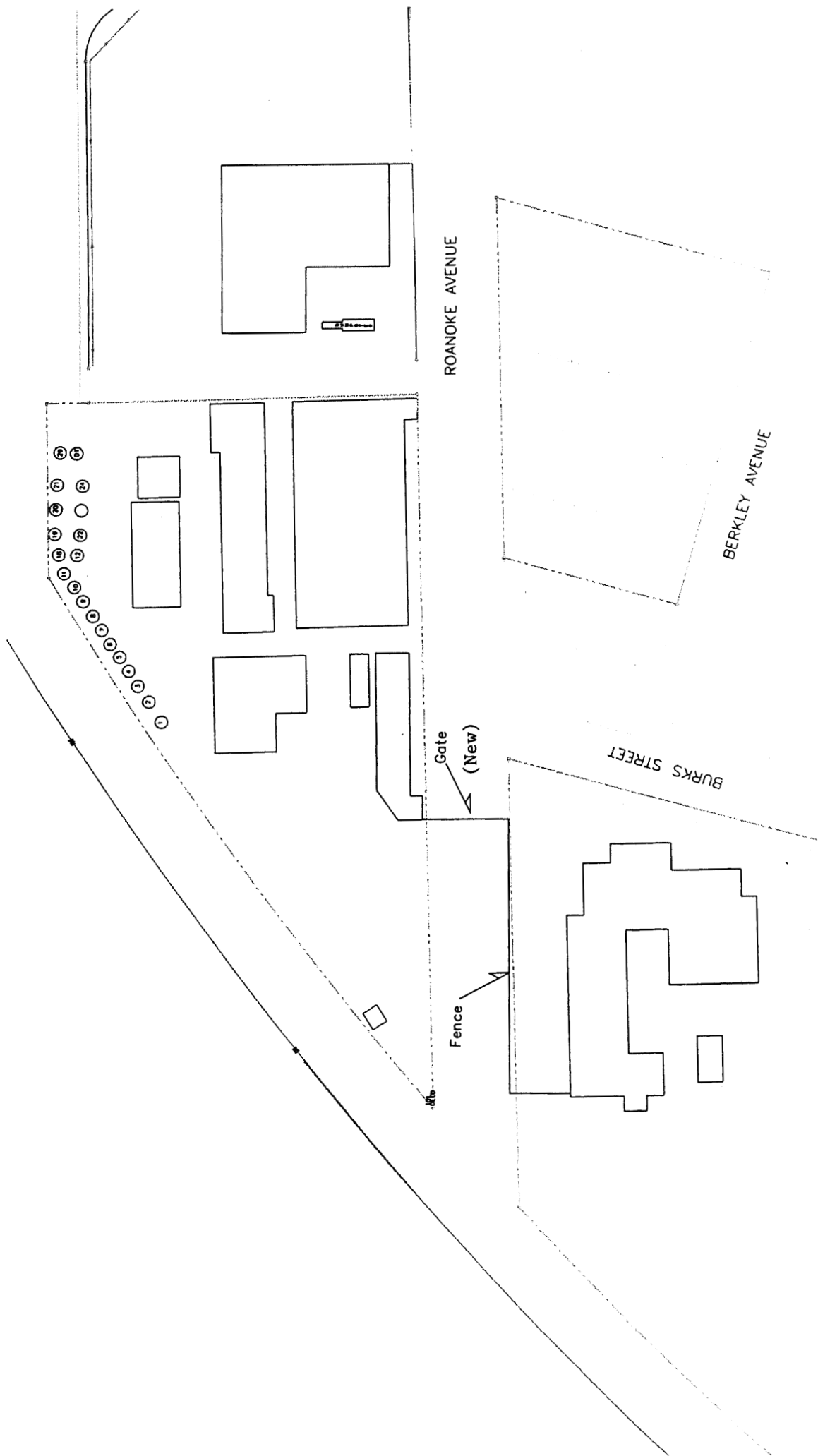
Reference your request via telephone of June 2, 2003, regarding petition to barricade Roanoke Avenue, at the end of pavement, where Roanoke Avenue becomes a dirt road, with a gate, in order to secure your property.

Norfolk Southern would be agreeable to a gate barricade, as long as it would contain a double lock system, whereby you would have a lock and Norfolk Southern would have a lock. We would require an NS lock, in that we sometimes change crews at this point and on occasion use extra employees, rather than a regular assigned crew, and by having an NS lock, then NS employees would have a key. This would eliminate us having to have designated individuals to unlock the gate.

Sincerely,

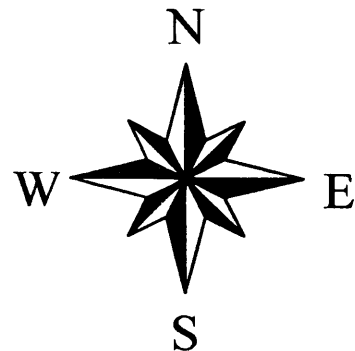
A handwritten signature in cursive script that reads "M. J. Wheeler".

Proposed New Gate to Barricade Roanoke Avenue



The map displays a section of Roanoke, Virginia, with the following details:

- Streets:**
 - Roanoke Av SW:** The main horizontal street running across the middle of the map.
 - Union St SW:** A vertical street on the right side of the map.
 - Berkley Av SW:** A diagonal street running from the bottom left towards the center.
 - Burks St SW:** A diagonal street on the left side of the map.
 - Georgetown St SW:** A diagonal street at the bottom of the map.
 - Kontest Duval S:** A street at the top right of the map.
- Proposed Barricade:** Indicated by a callout box pointing to the intersection of Roanoke Av SW and Union St SW.
- Lot Numbers:** Numerous individual lots are labeled with numbers, such as 1510105, 1510102, 1510103, 1510104, 1510301, 1510302, 1510304, 1510401, 1510402, 1510403, 1510404, 1510405, 1510406, 1510407, 1510408, 1510409, 1510410, 1510411, 1510412, 1510413, 1510414, 1510415, 1510416, 1510417, 1510501, 1510502, 1510503, 1510504, 1510505, 1510506, 1510507, 1510508, 1510509, 1510510, 1510511, 1510512, 1510513, 1510514, 1510515, 1510516, 1510601, 1510602, 1510603, 1510604, 1510605, 1510606, 1510607, 1510608, 1510609, 1510610, 1510611, 1510612, 1510613, 1510614, 1510615, 1510616, 1510617, 1510618, 1510619, 1510620, 1510621, 1510622, 1510623, 1510624, 1510625, 1510626, 1510627, 1510628, 1510629, 1510630, 1510631, 1510632, 1510633, 1510634, 1510635, 1510636, 1510637, 1510638, 1510639, 1510640, 1510641, 1510642, 1510643, 1510644, 1510645, 1510646, 1510647, 1510648, 1510649, 1510650, 1510651, 1510652, 1510653, 1510654, 1510655, 1510656, 1510657, 1510658, 1510659, 1510660, 1510661, 1510662, 1510663, 1510664, 1510665, 1510666, 1510667, 1510668, 1510669, 1510670, 1510671, 1510672, 1510673, 1510674, 1510675, 1510676, 1510677, 1510678, 1510679, 1510680, 1510681, 1510682, 1510683, 1510684, 1510685, 1510686, 1510687, 1510688, 1510689, 1510690, 1510691, 1510692, 1510693, 1510694, 1510695, 1510696, 1510697, 1510698, 1510699, 1510700, 1510701, 1510702, 1510703, 1510704, 1510705, 1510706, 1510707, 1510708, 1510709, 1510710, 1510711, 1510712, 1510713, 1510714, 1510715, 1510716, 1510717, 1510718, 1510719, 1510720, 1510721, 1510722, 1510723, 1510724, 1510725, 1510726, 1510727, 1510728, 1510729, 1510730, 1510731, 1510732, 1510733, 1510734, 1510735, 1510736, 1510737, 1510738, 1510739, 1510740, 1510741, 1510742, 1510743, 1510744, 1510745, 1510746, 1510747, 1510748, 1510749, 1510750, 1510751, 1510752, 1510753, 1510754, 1510755, 1510756, 1510757, 1510758, 1510759, 1510760, 1510761, 1510762, 1510763, 1510764, 1510765, 1510766, 1510767, 1510768, 1510769, 1510770, 1510771, 1510772, 1510773, 1510774, 1510775, 1510776, 1510777, 1510778, 1510779, 1510780, 1510781, 1510782, 1510783, 1510784, 1510785, 1510786, 1510787, 1510788, 1510789, 1510790, 1510791, 1510792, 1510793, 1510794, 1510795, 1510796, 1510797, 1510798, 1510799, 1510800, 1510801, 1510802, 1510803, 1510804, 1510805, 1510806, 1510807, 1510808, 1510809, 1510810, 1510811, 1510812, 1510813, 1510814, 1510815, 1510816, 1510817, 1510818, 1510819, 1510820, 1510821, 1510822, 1510823, 1510824, 1510825, 1510826, 1510827, 1510828, 1510829, 1510830, 1510831, 1510832, 1510833, 1510834, 1510835, 1510836, 1510837, 1510838, 1510839, 1510840, 1510841, 1510842, 1510843, 1510844, 1510845, 1510846, 1510847, 1510848, 1510849, 1510850, 1510851, 1510852, 1510853, 1510854, 1510855, 1510856, 1510857, 1510858, 1510859, 1510860, 1510861, 1510862, 1510863, 1510864, 1510865, 1510866, 1510867, 1510868, 1510869, 1510870, 1510871, 1510872, 1510873, 1510874, 1510875, 1510876, 1510877, 1510878, 1510879, 1510880, 1510881, 1510882, 1510883, 1510884, 1510885, 1510886, 1510887, 1510888, 1510889, 1510890, 1510891, 1510892, 1510893, 1510894, 1510895, 1510896, 1510897, 1510898, 1510899, 1510900, 1510901, 1510902, 1510903, 1510904, 1510905, 1510906, 1510907, 1510908, 1510909, 1510910, 1510911, 1510912, 1510913, 1510914, 1510915, 1510916, 1510917, 1510918, 1510919, 1510920, 1510921, 1510922, 1510923, 1510924, 1510925, 1510926, 1510927, 1510928, 1510929, 1510930, 1510931, 1510932, 1510933, 1510934, 1510935, 1510936, 1510937, 1510938, 1510939, 1510940, 1510941, 1510942, 1510943, 1510944, 1510945, 1510946, 1510947, 1510948, 1510949, 1510950, 1510951, 1510952, 1510953, 1510954, 1510955, 1510956, 1510957, 1510958, 1510959, 1510960, 1510961, 1510962, 1510963, 1510964, 1510965, 1510966, 1510967, 1510968, 1510969, 1510970, 1510971, 1510972, 1510973, 1510974, 1510975, 1510976, 1510977, 151



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the alteration and closing by barricade of certain public right-of-way in the City of Roanoke, Virginia, subject to certain conditions; and dispensing with the second reading of this ordinance by title.

WHEREAS, Akzo Nobel Coatings, Inc. filed an Application to the Council of the City of Roanoke, Virginia, in accordance with law, requesting the Council to alter and close by barricade the public right-of-way, subject to certain conditions; as are more particularly described hereinafter; and

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §30-14, Code of the City of Roanoke (1979), as amended, and after having conducted a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, public hearing was held on such application by the City Council on August 18, 2003, after due and timely notice thereof as required by §30-14, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on such Application; and

WHEREAS, it appearing from the foregoing that the land proprietors affected by the requested closure by barricade of the subject public right-of-way have been properly notified; and

WHEREAS, from all of the foregoing, the Council considers that no substantial inconvenience will result to any individual or to the public from altering and closing by barricade such public right-of-way, and that such alteration will promote the safety and welfare of those using the subject public right-of-way and the right-of-way in the vicinity of the right-of-way to be closed.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke, Virginia, that the public right-of-way situate in the City of Roanoke, Virginia, and more particularly described as follows:

That portion of Roanoke Avenue, S.W., adjacent to Burks Street, S.W., continuing back to the Norfolk and Southern rail tracks,

be, and hereby is, altered and closed by way of a barricade, conditioned upon the petitioner erecting a gate with a double lock system to allow Norfolk Southern employees and the petitioner, and the petitioner's successors and assigns, access via their own lock and keys, and allowing access to the closed portion of Roanoke Avenue, S.W., to the City of Roanoke, or any person or entity representing or acting on behalf of the City, and to all public utility entities with facilities located within the subject right-of-way, as set forth in the Planning Commission's report dated August 18, 2003, to this Council.

BE IT FURTHER ORDAINED that the City Engineer be, and is, directed to mark "Altered and Closed by Barricade" on such right-of-way on all maps and plats on file in his office on which such rights-of-way are shown, referring to the book and page of ordinances and resolutions of the Council of the City of Roanoke, Virginia, wherein this Ordinance shall be spread.

BE IT FURTHER ORDAINED that the City Clerk deliver to the Clerk of the Circuit Court of the City of Roanoke, Virginia, an attested copy of this ordinance in order that such Clerk may make proper notations, if any, of the alteration and closing by barricade as described above on all maps and plats recorded in that office on which Roanoke Avenue, S.W., and Burks Street, S.W., appear.

BE IT FINALLY ORDAINED that pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

A.2.

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

Architectural Review Board
Board of Zoning Appeals
Planning Commission

August 18, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from Roanoke Country Club, Inc., and Scott Robertson Memorial Fund, a Virginia Non-Stock Corporation, represented by Alton B. Prillaman, attorney, that a 15-foot right-of-way, extending in a northeasterly direction from the northerly boundary of Densmore Road, N.W., be permanently vacated, discontinued and closed.

Planning Commission Action:

Planning Commission hearing was held on Thursday, July 17, 2003. By a vote of 6-0 (Mr. Butler absent), the Commission recommended approval of the request.

Background:

Scott Robertson Memorial Fund petitioned the City in April 2002, to allow for the lease of a portion of Eastgate Park to be used for its First Tee Junior Golf Program. Planning Commission public hearing was held on April 18, 2002, and City Council approved the request in a public hearing on May 20, 2002. The Council (and Commission) determined that the use of a portion of East Gate Park for a First Tee Golf Program was substantially in accord with *Vision 2001-2020*, the City's comprehensive plan.

Scott Robertson Memorial Fund has since discontinued its plans to have the First Tee Junior Golf Program at Eastgate Park, and is now planning to establish it on property adjacent to the Roanoke Country Club at the eastern end of Densmore Road, N.W. Scott Robertson Memorial Fund plans to lease property from the Roanoke Country Club and combine it with its property on Official Tax Map Number 2670906 to

run the program. Since the subject portion of right-of-way lies in between properties owned by Scott Robertson Memorial Fund and the Roanoke Country Club, the two plan to split the vacated property evenly.

Mr. Chrisman commented that he thought the herein proposed location of the First Tee Program was better than the previous request to use Eastgate Park. There were no other comments or questions from the Planning Commission.

Considerations:

The properties adjoining the subject portion of right-of-way are all zoned RS-3, Residential Single Family, High Density District. The grounds of the Roanoke Country Club surround the subject portion of right-of-way along with the parcel owned by Scott Robertson Memorial Fund, Official Tax Map Number 2670906. Westside Elementary School for the Performing and Visual Arts lies to the west.

City sewer and water serve the area. Staff received comments from Verizon, AEP and Roanoke Gas. All stated no objection to the request as no facilities are located within this right-of-way.

The subject portion of right-of-way extends from Densmore Road for approximately 239 feet, and is only 15 feet wide. Densmore Road is an improved street that dead ends approximately 550 feet east of the subject portion of right-of-way. All parcels along Densmore Road have access via the improved portion of that street. Closure of the subject portion of right-of-way would not prohibit any future access to any properties.

Recommendation:

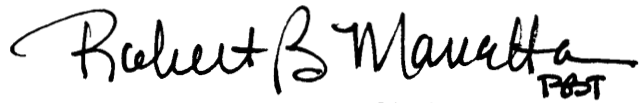
The Planning Commission recommended approval of petitioner's request to vacate, discontinue and close the subject portion of right-of-way, subject to the conditions listed below and does not recommend that the petitioner be charged for this piece of property.

- A. The applicant shall submit a subdivision plat to the Agent for the Planning Commission, receive all required approvals of, and record the plat with the Clerk of the Circuit Court for the City of Roanoke. Said plat shall combine all properties which would otherwise dispose of the land within the right of way to be vacated in a manner consistent with law, and retain appropriate easements for the installation and maintenance of any and all existing utilities that may be located within the right-of-way, including the right of ingress and egress.
- B. Upon meeting all other conditions to the granting of the application, the applicant shall deliver a certified copy of this ordinance for recordation to the Clerk of the Circuit Court of Roanoke, Virginia, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the petitioner, and the names of any other parties in

interest who may so request, as Grantees. The applicant shall pay such fees and charges as are required by the Clerk to effect such recordation.

- C. Upon recording a certified copy of this ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the applicant shall file with the Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.
- D. If the above conditions have not been met within a period of one year from the date of adoption of this ordinance, then said ordinance shall be null and void with no further action by City Council being necessary.

Respectfully submitted,

A handwritten signature in black ink, reading "Robert B. Manetta". The signature is stylized with a large, flowing "R" and "M". To the right of the signature, the word "POST" is written in a small, bold, sans-serif font.

Robert B. Manetta, Chairman
Roanoke City Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Alton B. Prillaman, Attorney for the petitioner

29

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:)
Application of ROANOKE) APPLICATION FOR VACATING,
COUNTRY CLUB, INCORPORATED) DISCONTINUING AND CLOSING
and SCOTT ROBERTSON MEMORIAL) OF UNOPENED RIGHT-OF-WAY
FUND, a Virginia Non-Stock)
Corporation)

ROANOKE COUNTRY CLUB, INCORPORATED and SCOTT ROBERTSON MEMORIAL FUND, a Virginia non-stock corporation, applies for vacation of a paper 15-foot right-of-way containing 0.063 acre extending from the northerly boundary of Densmore Road in a northeasterly direction. This right-of-way is more particularly described on the map attached and as follows:

Beginning at Corner No. 5 property of the Scott Robertson Memorial Fund map prepared by T. P. Parker & Son dated Dec. 6, 2002, at an iron pin on Densmore Road, N.W., thence with the property of Scott Robertson Memorial Fund and the northerly side of a roadway, N. 77°30'40" E., 263.09 feet to Corner No. 4; thence leaving the property of the Scott Robertson Memorial Fund and with the property of the Roanoke Country Club, Tax No. 2671005, S. 19°39'40" W., 13.33 feet to Corner "C"; thence continuing with the property of the Roanoke Country Club, S. 77°30'40" W., 225.87 feet to Corner "B" on Densmore Road, N.W.; thence with the northerly line of Densmore Road, N.W., N. 81°57'23" W., 32.17 feet to the place of BEGINNING, containing 0.063 Acre, more or less.

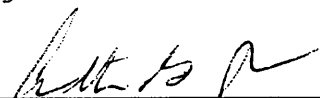
The grounds for the application are as follows:

The 15-foot right-of-way serves no properties other than the property of the Petitioners. Each of said parties is in agreement for the vacation of this right-of-way. No additional properties can be served by this right-of-way.

WHEREFORE, ROANOKE COUNTRY CLUB, INCORPORATED and SCOTT ROBERTSON MEMORIAL FUND, a Virginia non-stock corporation, respectfully request that the above-described right-of-way be vacated by the Council of the City of Roanoke, Virginia, in accordance with Virginia Code Section 15.2-2006 and Section 30-14, Code of the City of Roanoke (1979), as amended.

Respectfully submitted,

ROANOKE COUNTRY CLUB, INCORPORATED
and
SCOTT ROBERTSON MEMORIAL FUND,
a Virginia non-stock corporation

By: 
Alton B. Prillaman
Counsel for Petitioners

CONTACT:

Alton B. Prillaman, Esquire
3912 Electric Road, S.W.
Roanoke, VA 24018
Phone: (540) 725-8188
Fax: (540) 772-0126

ADJOINING PROPERTY OWNER LISTING

IN RE: Application of ROANOKE COUNTRY CLUB, INCORPORATED and SCOTT ROBERTSON MEMORIAL FUND, a Virginia Non-Stock Corporation, for vacation of an unopened 15-foot right of way containing 0.063 acre extending from the northerly boundary of Densmore Road.

ADJOINING PROPERTY OWNERS

This list as follows are those property owners who own property beside, behind or across the street from the subject property noted above:

CITY OF ROANOKE

<u>Official Tax Number</u>	<u>Owner's Name and Mailing Address</u>
2670901	City of Roanoke City Attorney's Office 464 Municipal Building 215 W. Church Avenue, SW Roanoke, VA 24011
2670902	Roanoke Country Club 3360 Country Club Drive, N.W. Roanoke, VA 24017
2671005	Roanoke Country Club 3360 Country Club Drive, N.W. Roanoke, VA 24017

Respectfully submitted,

ROANOKE COUNTRY CLUB, INCORPORATED
and
SCOTT ROBERTSON MEMORIAL FUND,
a Virginia non-stock corporation

By: _____

Alton B. Prillaman
Counsel for Petitioners

CONTACT:

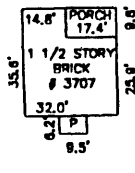
Alton B. Prillaman, Esquire
3912 Electric Road, S.W.
Roanoke, VA 24018
Phone: (540) 725-8188
Fax: (540) 772-0126

1. THIS PLAT WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT AND IS SUBJECT THERETO. THEREFORE, THERE MAY EXIST ENCUMBRANCES WHICH AFFECT THE PROPERTY NOT SHOWN HEREON.

2. THE SUBJECT PROPERTY IS WITHIN THE (LIMITS OF ZONE "Y" AS SHOWN ON THE FEMA FLOOD INSURANCE RATE MAP NO. 51181C0042 D, EFFECTIVE DATE OCT. 15, 1993. THIS DETERMINATION IS BASED ON SAID MAP AND HAS NOT BEEN VERIFIED BY ACTUAL FIELD ELEVATIONS.

1. PLAT FOR CLUM VIEW CORP. BY C. B. WALCOLM
DATED AUG. 28, 1944.
2. PLAT FOR CLUM VIEW CORP. BY C. B. WALCOLM
DATED NOV. 18, 1944 RECORDED IN D.R. 1150, PG. 125.
3. PARTIAL SURVEY FOR ROBERT L. FERNATT & NAME
R. FERNATT AND THE ROANOKE COUNTRY CLUB, DATED
MARCH 13, 1946 AND RECORDED IN U.S. 1, PG. 848.
4. SURVEY FOR SCOTT ROBERTSON MEMORIAL FUND
BY T. P. PARKER & SON DATED DEC. 8, 2002.

INST. NO. 020022077



HOUSE DETAIL
NO SCALE

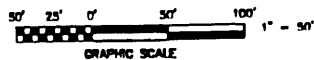
NOTE: LEASE LINES ARE PLATTED FROM RECORDS AND ARE TO BE CONSIDERED APPROXIMATE. MONUMENTATION BASED ON SURVEY FOR SCOTT ROBERTSON MEMORIAL FUND BY T. P. PARKER & SON DATED DEC. 8, 2002.

PROPOSED FIRST TEE PRACTICE FACILITY IS DESIGNED BY GEORGE GOLF DESIGN, INC.

THE INTENTION IS TO GRADE AS LITTLE AS POSSIBLE AND DISTURB AS LITTLE AREA AS POSSIBLE.

THE EXISTING HOUSE WILL BE UTILIZED.

11 PARKING SPACES CAN BE PROVIDED.
ANTICIPATED USE = 2 EMPLOYEES
ANTICIPATED NUMBER OF CUSTOMERS AT ONE TIME IS UNKNOWN.



NO SCALE

-X- = EXISTING FENCE
P = PORCH
C.B. = CINDERBLOCK
BLDG = BUILDING
X = FENCE POST



PROPERTY OF
ROANOKE COUNTY CLERK
TAX # 2870802
ZONED RS-3

2.898 ACRES TAX # 2670906

+0.181 ACRE TAX # 2670902, LEASE AREA "1"
+0.494 ACRE TAX # 2670902, LEASE AREA "2"
+0.583 ACRE TAX # 2671005, LEASE AREA "3"
+0.063 ACRE ROADWAY, LEASE AREA "4"
1.321 ACRE TOTAL LEASE AREA

4.219 ACRES TOTAL SITE

LEASE AREA "2"
0.404 ACRE
BOUNDED BY CORNERS
— 3, F, D, & TO 3
INCLUSIVE

PROPERTY OF
ROANOKE COUNTY CLUB
TAX # 2870802
ZONED RS-3

PROPERTY OF
ROANOKE COUNTY CLU
TAX # 2871005
ZONED RS-3

**SPECIAL EXCEPTION USE PLAT FOR
SCOTT ROBERTSON MEMORIAL FUND**

SHIPPING 2,000 ACRE TRACT AND
LEASED TRACTS CONTAINING
0.181 ACRE, 0.563 ACRE AND 0.404 ACRE LEASE TRACTS
AND A 0.083 ACRE PORTION OF A ROADWAY
SITUATE ON DENSMORE ROAD, N.W.

TAX # 287000H
287090Z
287100S
DRAWN: ZARD/15

ROANOKE, VIRGINIA

SCALE: 1" = 50'
DATE: APRIL 18, 2003
W.D. 03-0238
CALC: URO

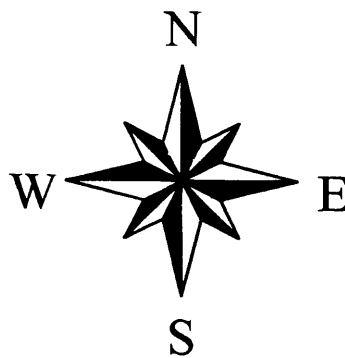
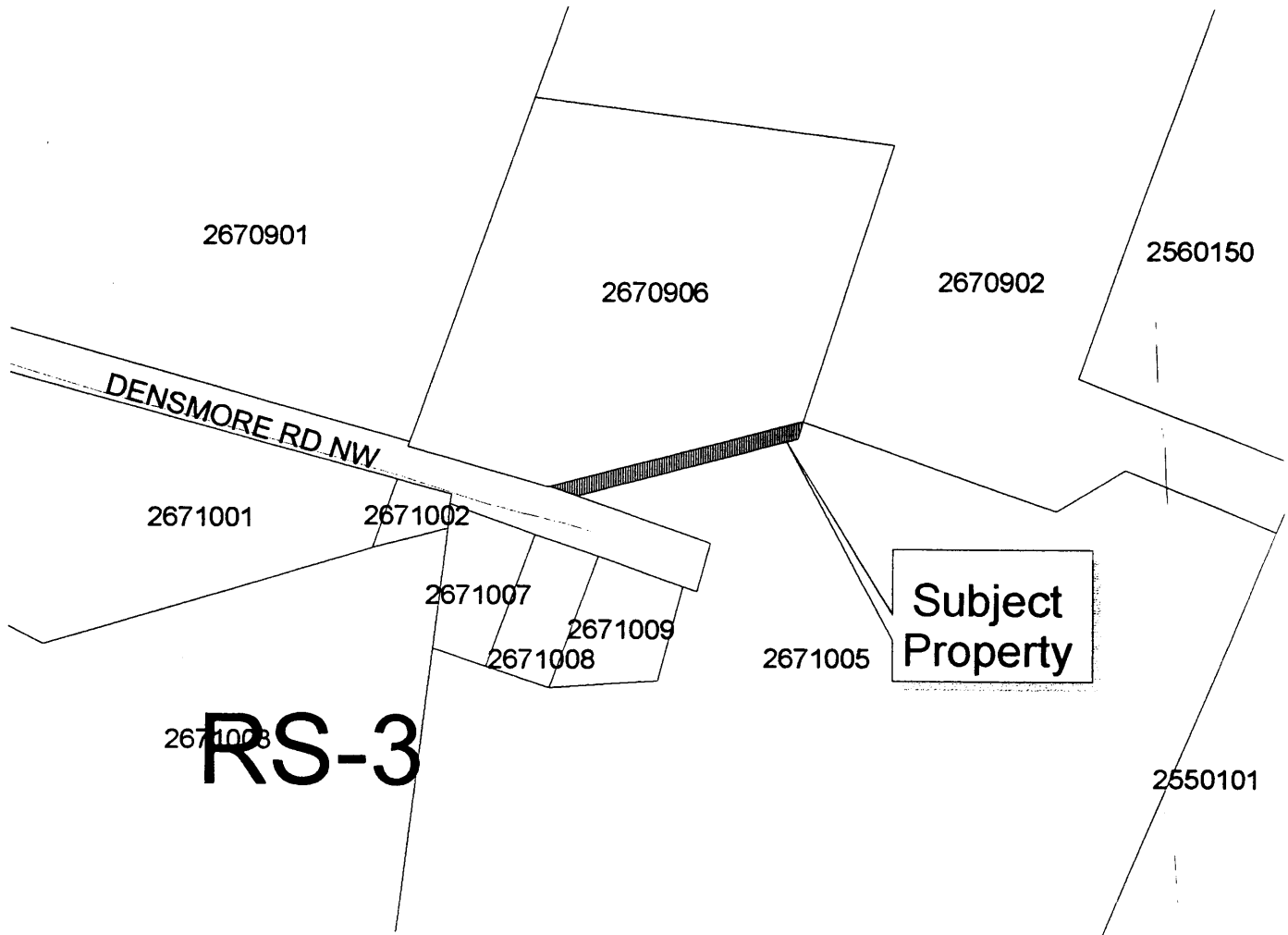
TPP&S
TRANSPORTATION
PLANNING
CONSULTANTS

T. P. PETER & SON
811 Redwood
Post Office Box 97
Salmon, Oregon 97131

GEORGE
NEW BRUNSWICK, N.J.

609 426-4100 ext. 1000
426-4100, ext. 2222
426-4100, ext. 2222
426-4100, ext. 2222

Densmore Rd, NW



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE permanently vacating, discontinuing and closing a certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance.

WHEREAS, the Roanoke Country Club, Inc., and Scott Robertson Memorial Fund, a Virginia Non-Stock Corporation, filed an application to the Council of the City of Roanoke, Virginia, in accordance with law, requesting the Council to permanently vacate, discontinue and close the public right-of-way described hereinafter; and

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §30-14, Code of the City of Roanoke (1979), as amended, and after having conducted a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held on such application by the City Council on August 18, 2003, after due and timely notice thereof as required by §30-14, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on such application; and

WHEREAS, it appearing from the foregoing that the land proprietors affected by the requested closing of the subject public right-of-way have been properly notified; and

WHEREAS, from all of the foregoing, the Council considers that no inconvenience will result to any individual or to the public from permanently vacating, discontinuing and

closing such public right-of-way.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke, Virginia, that a fifteen foot public right-of-way, extending in a northeasterly direction from the northerly boundary of Densmore Road, N.W., between Official Tax Nos. 2670906 and 2671005 more particularly described as follows:

Beginning at Corner No. 5 property of the Scott Robertson Memorial Fund map prepared by T. P. Parker & Son dated Dec. 6, 2002, at an iron pin on Densmore Road, N.W., thence with the property of Scott Robertson Memorial Fund and the northerly side of a roadway, N. 77° 30' 40" E., 263.09 feet to Corner No. 4; thence leaving the property of the Scott Robertson Memorial Fund and with the property of the Roanoke Country Club, Tax No. 2671005, S. 19° 39' 40" W., 13.33 feet to Corner "C"; thence continuing with the property of the Roanoke Country Club, S. 77° 30' 40" W., 225.87 feet to Corner "B" on Densmore Road, N.W.; thence with the northerly line of Densmore Road, N.W., N. 81° 57' 23" W., 32.17 feet to the place of BEGINNING, containing 0.063 Acre, more or less

be, and is hereby permanently vacated, discontinued and closed, and that all right and interest of the public in and to the same be, and hereby is, released insofar as the Council of the City of Roanoke is empowered so to do with respect to the closed portion of the right-of-way, reserving however, to the City of Roanoke and any utility company, including, specifically, without limitation, providers to or for the public of cable television, electricity, natural gas or telephone service, an easement for sewer and water mains, television cable, electric wires, gas lines, telephone lines, and related facilities that may now be located in or across such public right-of-way, together with the right of ingress and egress for the maintenance or replacement of such lines, mains or utilities, such right to include the right to remove, without the payment of compensation or damages of any kind to the owner, any landscaping,

fences, shrubbery, structure or any other encroachments on or over the easement which impede access for maintenance or replacement purposes at the time such work is undertaken; such easement or easements to terminate upon the later abandonment of use or permanent removal from the above-described public right-of-way of any such municipal installation or other utility or facility by the owner thereof.

BE IT FURTHER ORDAINED that the applicant shall submit to the Subdivision Agent, receive all required approvals of, and record with the Clerk of the Circuit Court for the City of Roanoke, a subdivision plat, with such plat combining all properties which would otherwise be landlocked by the requested closure, or otherwise disposing of the land within the right-of-way to be vacated in a manner consistent with law, and retaining appropriate easements, together with the right of ingress and egress over the same, for the installation and maintenance of any and all existing utilities that may be located within the right-of-way.

BE IT FURTHER ORDAINED that the applicant shall, upon meeting all other conditions to the granting of the application, deliver to the Clerk of the Circuit Court of the City of Roanoke, Virginia, a certified copy of this ordinance for recordation where deeds are recorded in such Clerk's Office, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees, and pay such fees and charges as are required by the Clerk to effect such recordation.

BE IT FURTHER ORDAINED that the applicant shall, upon a certified copy of this ordinance being recorded by the Clerk of the Circuit Court of the City of Roanoke, Virginia,

where deeds are recorded in such Clerk's Office, file with the City Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

BE IT FURTHER ORDAINED that if the above conditions have not been met within a period of twelve (12) months from the date of the adoption of this ordinance, then such ordinance shall be null and void with no further action by City Council being necessary.

BE IT FINALLY ORDAINED that pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



August 18, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: An ordinance amending and reordaining 36.1-25, Definitions; §36.1-206, Permitted uses (C-2); §36.1-207, Special exception uses (C-2); §36.1-227, Permitted uses (C-3); §36.1-228, Special exception uses (C-3); §36.1-249, Permitted uses (LM); §36.1-250, Special exception uses (LM); §36.1-270, Permitted uses (HM); §36.1-271, Special exception uses (HM); and §36.1-435, Parking of commercial vehicles, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, such amendments pertaining to towing and wrecker services, general service establishments and motor vehicle sales lots.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, July 17, 2003. By a vote of 6-0 (Mr. Butler absent), the Commission recommended the proposed amendment to City Council.

Background:

This report is an addendum to the May 19, 2003, City Council report from the Planning Commission, recommending amendments to the zoning ordinance pertaining to motor vehicle related businesses. All references within this report are related to the measure as attached. This report addresses only those elements of the recommended text amendments that are different from the Planning Commission's previous action.

On April 17, 2003, the Planning Commission recommended to City Council the approval of a measure amending the zoning ordinance as it pertains to various motor vehicle oriented establishments. On May 19, 2003, City Council considered the recommended text amendments and, after public hearing and discussion, referred the proposed measure back to the Planning Commission in order to provide additional information to, and input from, property and business owners and other interested parties.

On May 23, 2003, the Department of Planning Building and Development mailed 180 packets to motor vehicle related businesses, including new and used automobile sales establishments, motor vehicle repair establishments, and towing and wrecker services. That informational packet included a copy of the proposed text amendments, a chart delineating the zoning districts in which such businesses would be permitted under the proposed amendments, and an invitation to phone or email staff with questions or input and/or to attend one of two question and input sessions on June 4, 2003. In addition, the Department of Housing and Neighborhood Services mailed 60 informational packets to the Roanoke Neighborhood Partnership Steering Committee and neighborhood leaders. In response to the 240 packets mailed, Planning Building and Development staff received six phone inquiries. Nineteen businesses were represented at the June 4 sessions hosted by Planning Building and Development staff. One neighborhood leader attended one of the sessions.

Considerations:

Through the informational/input sessions and phone calls, staff received numerous general comments. Staff identified several specific issues that resulted from the discussions regarding the proposed definitions of a "commercial motor vehicle" and a "used motor vehicle sales and service establishment"; the requirements for a general service establishment; and the prohibition of the parking of tow trucks and roll back tow trucks in residential areas.

In consideration of comments received from the "industry", staff identified three areas of the proposed text amendments for study and reconsideration of language. They are as follows:

(1) Definition of a "commercial motor vehicle" -- item # 1 of the attached measure pertaining to Sec. 36.1-25, Definitions:

- "Industry input": Further define the "commercial motor vehicle" by eliminating ambiguity, particularly in regard to the word "truck"

- Staff comment: "...designed or maintained for the transportation of persons or property for compensation or profit..." applies to any and all of the types of vehicles listed

(a) In consideration of the issue noted above, and given that previous Planning Commission action recommended exempting vans, pickup trucks, and panel trucks from the section prohibiting the parking of commercial vehicles in residential districts, the Planning Commission supports a revised definition that excludes vans, pickup trucks, and panel trucks from the definition of commercial motor vehicles. Such revised definition in the attached measure reads as follows:

Commercial motor vehicle: Any motor vehicle or trailer used, designed or maintained for the transportation of persons or property for compensation or profit, and which is one of the following types of vehicles: trucks, tractor cabs, farm tractors, construction equipment, motor passenger buses (excluding school buses currently used by a public or private institution of learning), trailers, semi-trailers, taxis, limousines, tow trucks, dump trucks, roll back tow trucks, flatbed trucks, or step vans, but not including vans, pickup trucks, and panel trucks.

(2) General service establishments engaged in the repair of automobiles, motorcycles or trailers -- items #1, #2, #4, #6, and #8 of the attached measure pertaining to Sec. 36.1-25, Definitions, General service establishment; Sec. 36.1-206, Permitted uses [C-2] (26); Sec. 36.1-227, Permitted uses [C-3] (26); Sec. 36.1-249, Permitted uses [LM] (24); and Sec. 36.1-270, Permitted uses [HM] (11):

- "Industry input": There is no number limit under State law on the incidental sale of motor vehicles encumbered by a mechanic's lien.
- "Industry input": In regard to the proposed requirement that "all repair or maintenance activities shall occur in a wholly enclosed building", consideration should be given to the following:
 - Not all repairs can take place within a building;
 - Not all motor vehicles fit into certain service bays;
 - Sometimes the entire motor vehicle does not fit wholly within the building; and
 - Some simple repairs and maintenance take place outside when all existing building bays are occupied, such as an unscheduled "drive-up" request for replacement of a dead battery or flat tire.

Additional industry comments on this requirement referenced the operation of mobile repair services and retail outlets where minor part replacements can occur outside.

- “Industry input”: State inspection establishments are required to service motor vehicles up to 10,000 pounds empty gross weight.
- Staff comments:
 - For purposes of consistency within the zoning ordinance, the definition of “general service establishment” should be revised to include a reference to “motor vehicles and trailers” rather than “automobiles”.
 - Recognizing that general service establishments sometimes need to sell a motor vehicle when a repair or parts bill is not paid by the customer, and in order to be consistent with State law, motor vehicles sold through a mechanic’s lien should be exempt from the limitation of motor vehicles that can be sold by a general service establishment.
 - While acknowledging the comments regarding repairs within a building, staff cannot support revised language that would eliminate this requirement. Such a requirement exists in the LM District under the current code. For consistency, staff supports application of this requirement in the C-2 District, particularly since this requirement is already applied in the more intense LM District. While recognizing that some maintenance and service occurs outside a building, such as an “emergency drive-up” replacement of a battery or flat tire when the bays are full, staff believes that removal of the building requirement would more fully expose repair and maintenance activities to the public view.
 - Given the revised definition of “commercial motor vehicle” (as noted previously in this report and included in the attached measure), with such revision excluding vans, pickup trucks, and panel trucks from that definition, general service establishment provisions should be revised as follows:
 - In the C-2 District, permit the repair or maintenance of motor vehicles or trailers, except for commercial motor vehicles as defined in the attached measure and motor vehicle or trailer painting or body repair.
 - In the LM and HM Districts, permit the repair or maintenance of motor vehicles or trailers (such revision

would permit the repair or maintenance of commercial motor vehicles).

- For purposes of consistency within the proposed text amendments, the following amendments should also be considered:
 - In the C-3 District, reference “motor vehicles or trailers” rather than “automobiles, trucks or construction equipment” in “(26) General service establishments”
 - Designation of “commercial motor vehicle repair or maintenance establishments” as a specific use permitted in the LM and HM Districts is not necessary since the repair or maintenance of commercial motor vehicles would be permitted in those districts under the revised general service establishments language noted previously in this report

(a) In consideration of the comments noted above, the Planning Commission supports a revised definition of general service establishments. Such revised definition in section 1 of the attached measure reads as follows:

General service establishment: A place of business primarily engaged in the repair or maintenance of household or commercial goods, including appliances, computers, office equipment and motor vehicles and trailers.

(b) In consideration of the comments noted above, the Planning Commission supports the revised language in section 2 of the measure, Section 36.1-206, Permitted uses (C-2), which reads as follows:

(26) General service establishments, provided that:

- (a) any such establishment primarily engaged in the repair or maintenance of motor vehicles or trailers shall be limited to the incidental sale of up to five (5) repaired or rebuilt motor vehicles or trailers within one calendar year at that location, although the sale of repaired or rebuilt motor vehicles or trailers for the purpose of satisfying a lien for services rendered or parts supplied shall not be included in the total of such permitted incidental sales;*
- (b) all repair or maintenance activities shall occur in a wholly enclosed building; and*

- (c) no repair or maintenance activities shall include the repair or maintenance of commercial motor vehicles or any motor vehicle or trailer painting or body repair.*

(c) In consideration of the comments noted above, the Planning Commission supports the revised language in section 4 of the measure, Section 36.1-227, Permitted uses (C-3), which reads as follows:

- (26) General service establishments, provided that no such establishment shall engage in the repair or maintenance of motor vehicles or trailers.*

(d) In consideration of the comments noted above, the Planning Commission supports the revised language in section 6 of the measure, Section 36.1-249, Permitted uses (LM), which reads as follows:

- (24) General service establishments, provided that:*
 - (a) any such establishment primarily engaged in the repair or maintenance of motor vehicles or trailers shall be limited to the incidental sale of up to five (5) repaired or rebuilt motor vehicles or trailers within one calendar year at that location, although the sale of repaired or rebuilt motor vehicles or trailers for the purpose of satisfying a lien for services rendered or parts supplied shall not be included in the total of such permitted incidental sales;*
 - (b) all repair or maintenance activities shall occur in a wholly enclosed building; and*
 - (c) no repair or maintenance activities shall include motor vehicle or trailer painting or body repair.*

(e) In consideration of the comments noted above, the Planning Commission supports the revised language in section 8 of the measure, Section 36.1-270, Permitted uses (HM), which reads as follows:

- (11) General service establishments, provided that:*
 - (a) establishments engaged in the repair or maintenance of motor vehicles or trailers shall be limited to the incidental sale of up to five (5) repaired or rebuilt motor vehicles or trailers within one calendar year at that location, although the sale of repaired or rebuilt motor vehicles or trailers for the purpose of satisfying a lien for services rendered or parts supplied shall not be included in the total of such permitted incidental sales; and*
 - (b) all repair or maintenance activities, including painting and body repair, shall occur in a wholly enclosed building.*

(3) Parking of commercial vehicles in residential districts -- item # 10 of the attached measure pertaining to Sec. 36.1-435, Parking of commercial motor vehicles

- “Industry input”: Because a tow truck and roll back tow truck are considered “commercial motor vehicles” by the definition of this measure, there is concern about the impact on emergency response time because of the prohibition of the parking of tow trucks in residential districts. This impact should be weighed against the impact on neighborhoods by the parking of tow trucks in residential districts with consideration given to the following:
 - There are a limited number of tow truck operators;
 - The number of “on-call” tow trucks is estimated to be 25 valley-wide; and
 - Not all “on-call” tow truck drivers live in the City of Roanoke.
- Planning Commission comments:
 - While acknowledging the issue related to emergency response time, the Planning Commission still has concerns about the consequences of a blanket exemption of tow trucks and roll back tow trucks from the prohibition of the parking of commercial motor vehicles in residential districts. Concerns include the size, weight, and noise of such motor vehicles, as well as the potential for any number of such tow trucks to be parked at any given location, and the potential impact on the quality of life in residential neighborhoods.
 - In consideration of support of a revised definition of “commercial motor vehicles” which excludes vans, pick-up trucks and panel trucks from such designation, as incorporated in the attached measure and previously noted in this report, the Planning Commission supports panel trucks being included with commercial motor vehicles in the section regarding the prohibition of the parking of certain motor vehicles in residential districts because of their size and incompatibility with residential neighborhoods. The Planning Commission recommends the revised language in paragraph 10 of the measure, Section 36.1-435, Parking of commercial motor vehicles, which reads as follows:
 - (a) *No commercial motor vehicle or panel truck shall be parked or left standing in a residential district for more than two (2) hours at any time except for:*

Planning Commission Hearing:

Planning Commission held a public hearing on the proposed text amendments on July 17, 2003. Mrs. Nancy Snodgrass, City Planner, presented the staff report, explaining the proposed amendments and recommending their approval.

The Planning Commission opened the meeting for public comment.

- Mr. Leo Trenor, Preston Avenue, expressed concern about the definition of rebuilt motor vehicles and the state code requirements.
- Mr. Ronnie Scaggs, Motor Parts Supply, Melrose Avenue, N.W., stated his concerns (1) that a customer would not be able to change a battery outside a building, and (2) that a person with a "Snap-on Tools" business would not be able to take his truck home to park it.
- Mr. John Waldron, Shenandoah Auto Parts, suggested that a weight limit and/or single rear wheel requirement be used to define a commercial motor vehicle.
- Letters of opposition were read into the record from Tommy Woods and Robert Young.

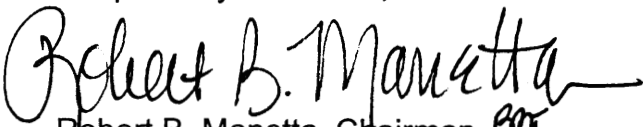
Planning Commission discussion centered on the following:

- The prohibition of the parking of tow trucks in residential districts to protect the quality of residential neighborhoods;
- Prohibiting the parking of panel trucks in residential districts because of their size;
- The problems associated with a "weight-based" definition of commercial motor vehicles as they relate to the ability of inspectors in the field to determine weight in enforcement of the regulation; and
- The concern that a single axle of single rear wheels definition of a commercial motor vehicle would still allow for motor vehicles of a size that would impact the quality of life in residential neighborhoods.

Recommendation:

The Commission recommends approval of the proposed text amendments as set forth in the attached measure. Given the additional input from the industry and further consideration of those issues by staff and the Commission, the Commission supports the proposed text amendments as set forth in the attached measure.

Respectfully submitted,


Robert B. Manetta, Chairman *RM*
Roanoke City Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney

	C-2	C-3	LM	HM
General service establishment	<ul style="list-style-type: none"> engaged in repair or maintenance of motor vehicles or trailers (but not including commercial motor vehicles or painting or body repair), must be in a wholly enclosed building, and can sell up to 5* 	<ul style="list-style-type: none"> cannot repair motor vehicles or trailers 	<ul style="list-style-type: none"> engaged in repair or maintenance of motor vehicles or trailers (but not including painting or body repair), must be in a wholly enclosed building, and can sell up to 5* 	<ul style="list-style-type: none"> engaged in repair or maintenance of motor vehicles or trailers (may include painting and body repair), must be in a wholly enclosed building, and can sell up to 5*
New commercial motor vehicle sales and service establishment			<ul style="list-style-type: none"> must have 20K sq. ft. lot 	
Used commercial motor vehicle sales and service establishment			S.E.	
Motor vehicle or trailer painting and body shop	S.E.		S.E. must have 40K sq. ft. lot; minimum 15K sq. ft. building	
New motor vehicle sales and service establishment	<ul style="list-style-type: none"> must have 40K sq. ft. lot 	S.E.		
Used motor vehicle sales and service establishment	<ul style="list-style-type: none"> must have 10K sq. ft. lot 			
Towing service	<ul style="list-style-type: none"> must have 20K sq. ft. lot 		<ul style="list-style-type: none"> must have 20K sq. ft. lot 	<ul style="list-style-type: none"> must have 20K sq. ft. lot
Wrecker service			S.E. must have 20K sq. ft. lot	S.E. Must have 20K sq. ft. lot

* Limitation of 5 does not include the sale of repaired motor vehicles or trailers by means of a mechanic's lien

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining §36.1-25, Definitions; subsections (26) and (37) of §36.1-206, Permitted uses; subsection (5) of §36.1-207, Special exception uses; subsection (26) of §36.1-227, Permitted uses; subsection (3) of §36.1-228, Special exception uses; subsection (24) of §36.1-249, Permitted uses; subsection (8) of §36.1-250, Special exception uses; subsection (11) of §36.1-270, Permitted uses; subsection (5) of §36.1-271, Special exception uses; §36.1-206, §36.1-207, and §36.1-250, by deleting certain uses as permitted uses or uses by special exception; and §36.1-435, Parking of commercial vehicles, and adding new subsections (51) and (52) of §36.1-206, Permitted uses; subsections (28) and (29) of §36.1-249, Permitted uses; subsections (10) and (11) of §36.1-250, Special exception uses; subsection (12) of §36.1-270, Permitted uses; and subsection (6) of §36.1-271, Special exception uses, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Section 36.1-25, Definitions, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, be, and is hereby, amended and reordained by deleting the definition of “tow truck operation,” by adding the definitions of “buffer,” “commercial motor vehicle,” “new commercial motor vehicle sales and service establishment,” “used commercial motor vehicle sales and service establishment,” “new motor vehicle sales and service establishment,” “used motor vehicle sales and service establishment,” “towing service,” and “wrecker service,” and by revising the definition of “general service establishment,” to read and provide as follows:

Sec. 36.1-25. Definitions.

For the purpose of this chapter, certain terms and words used herein shall be defined as follows:

* * *

Buffer: An area of natural or planted vegetation adjoining or surrounding a land use and unoccupied in its entirety by any building, structure, paving or portion of such land use, for the purposes of screening the effects of the land use, no part of which buffer is used for recreation or parking.

* * *

Commercial motor vehicle: Any motor vehicle or trailer used, designed or maintained for the transportation of persons or property for compensation or profit, and which is one of the following types of vehicles: trucks, tractor cabs, farm tractors, construction equipment, motor passenger buses (excluding school buses currently used by a public or private institution of learning), trailers, semi-trailers, taxis, limousines, tow trucks, dump trucks, roll back tow trucks, flatbed trucks, or step vans, but not including vans, pickup trucks, and panel trucks.

Commercial motor vehicle sales and service establishment, new: An establishment which engages in only the sale or lease of new and used commercial motor vehicles, the performance of any repair or maintenance work of such commercial motor vehicles, and financial services conducted as an accessory use to the establishment.

Commercial motor vehicle sales and service establishment, used: An establishment whose activities include the display of used commercial motor vehicles for sale or lease, or the performance of any repair or maintenance work of used commercial motor vehicles, but whose activities do not include the sale or lease of new commercial motor vehicles.

* * *

General service establishment: A place of business primarily engaged in the repair or maintenance of household or commercial goods, including appliances, computers, office equipment and ~~automobiles~~ motor vehicles and trailers.

* * *

Motor vehicle sales and service establishment, new: An establishment whose activities include the sale or lease of new and used motor vehicles or trailers, and new and used commercial motor vehicles not exceeding 26,000 pounds empty gross weight, the performance of any repair or maintenance work of such motor vehicles and commercial motor vehicles, and financial services conducted as an accessory use to the establishment.

Motor vehicle sales and service establishment, used: An establishment which engages in only the display of three or more used motor vehicles or trailers for sale or lease, and may engage in the repair or maintenance of such motor vehicles or trailers, but does not engage in the sale, lease, repair or maintenance of commercial motor vehicles.

. * * *

~~*Tow truck operation: An establishment exclusively engaged in the towing and storage, for no more than forty five (45) business days, of damaged or inoperative vehicles.*~~

* * *

Towing service: An establishment whose activities include the recovery, removal and temporary storage of motor vehicles or trailers, but does not include the dismantling, demolition, repair, or salvage of such motor vehicles or trailers, or any part of such motor vehicles or trailers.

* * *

Wrecker service: An establishment whose activities include the recovery, removal and temporary storage of inoperative or damaged motor vehicles or trailers for dismantling, demolition, repair, salvage, or sale of such inoperative or damaged motor vehicles or trailers, or part of such motor vehicles or trailers, but whose activities do not include the sale of gasoline or the sale of new motor vehicles or trailers.

* * *

2. Section 36.1-206, Permitted uses, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, be, and is hereby, amended and reordained by amending subsection (26) to permit general service establishments to repair and sell motor vehicles or trailers under certain circumstances, by amending subsection (37) by substituting “new motor vehicle sales and service establishments” for establishments primarily engaged in the sale or rental of certain motor vehicles under certain circumstances as a permitted use, by adding a new subsection (51) “used motor vehicle sales and service establishments” under certain circumstances, by adding a new

subsection (52) “towing services,” as permitted uses in the C-2, General Commercial District, and by repealing subsection (40), to read and provide as follows:

Section 36.1-206. Permitted uses.

The following uses shall be permitted as principal uses in the C-2 district:

* * *

(26) General service establishments, *provided that:*

- (a) ~~but not~~ any such establishments primarily engaged in the repair or maintenance of automobiles trucks or construction equipment, motor vehicles or trailers shall be limited to the incidental sale of up to five (5) repaired or rebuilt motor vehicles or trailers within one calendar year at that location, although the sale of repaired or rebuilt motor vehicles or trailers for the purpose of satisfying a lien for services rendered or parts supplied shall not be included in the total of such permitted incidental sales;
- (b) all repair or maintenance activities shall occur in a wholly enclosed building; and ~~provided that the gross floor area of all new buildings for such uses is not less than five thousand (5,000) square feet~~
- (c) no repair or maintenance activities shall include the repair or maintenance of commercial motor vehicles or any motor vehicle or trailer painting or body repair.

* * *

~~(37) Establishments primarily engaged in the sale or rental of automobiles, trucks, and construction equipment and including the incidental repair and maintenance of vehicles where~~ New motor vehicle sales and service establishments, *provided the lot area is greater for this use is no less than twenty thousand (20,000) forty thousand (40,000) square feet.*

* * *

~~(40) Automobile repair establishments except painting and body shops.~~

* * *

(51) *Used motor vehicle sales and service establishments, provided the lot area for this use is no less than ten thousand (10,000) square feet.*

(52). *Towing services, provided that:*

- (a) *The lot area contains a minimum of twenty thousand (20,000) square feet;*
- (b) *There shall be no outdoor storage of any damaged or inoperative motor vehicles or trailers for a period exceeding one hundred twenty (120) calendar days, unless documentation is provided that is satisfactory to the Zoning Administrator evidencing that such a damaged or inoperative motor vehicle or trailer is the subject of an on-going law enforcement or insurance investigation or is the subject of a proceeding being pursued as expeditiously as possible by the towing service pursuant to section 43-34 of the Code of Virginia (1950), as amended; and*
- (c) *The storage area for any damaged or inoperative motor vehicles or trailers shall be screened from view from adjacent properties and public streets by the installation of an eight (8) foot tall, solid fence with a minimum two (2) foot wide buffer to screen the base of the fence along any lot frontage.*

3. Section 36.1-207, Special exception uses, C-2, General Commercial District, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, be, and is hereby, amended and reordained by repealing subsection (4) and by amending subsection (5) by substituting “motor vehicle or trailer” for “automobile,” to read and provide as follows:

Section 36.1-207. Special exception uses.

The following uses may be permitted in the C-2 district by special exception granted by the board of zoning appeals subject to the requirements of this section:

* * *

~~(4) Establishments primarily engaged in the sale or rental of automobiles, trucks and construction equipment including the incidental repair and maintenance of vehicles where the lot area is less than twenty thousand (20,000) square feet.~~

(5) ~~Automobile~~ *Motor vehicle or trailer* painting and body shops, provided that there shall be no outdoor storage of damaged ~~automobiles~~ *motor vehicles or trailers*, equipment, ~~auto~~ parts or other materials.

* * *

4. Section 36.1-227, Permitted uses, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, be, and is hereby, amended and reordained by amending subsection (26) to provide for “general service establishments,” in the C-3 District, to read and provide as follows:

Section 36.1-227. Permitted uses.

The following uses shall be permitted as principal uses in the C-3 district:

* * *

(26) General service establishments, ~~but not provided that no~~ such establishments ~~primarily~~ shall engaged in the repair or maintenance of ~~automobiles, trucks or construction equipment~~ *motor vehicles or trailers*.

* * *

5. Section 36.1-228, Special exception uses, C-3, Central Business District, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, be, and is hereby, amended and reordained by amending subsection (3) to permit “new motor vehicle sales and service establishments” as a use permitted by special exception in the C-3 District, to read and provide as follows:

36.1-228. Special exception uses.

The following uses may be permitted in the C-3 District by special exception granted by the board of zoning appeals, subject to the requirements of this section:

* * *

(3) *New motor vehicle sales and service* ~~Eestablishments primarily engaged in the sale, rental repair or service of automobiles except automobile painting and body shops.~~

* * *

6. Section 36.1-249, Permitted uses, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, be, and is hereby, amended and reordained by amending subsection (24) to require that general service establishments which repair motor vehicles or trailers do so only

in a wholly enclosed building, and by adding “new commercial motor vehicle sales and service establishments,” and “towing services,” under certain circumstances, as permitted uses in the LM district, to read and provide as follows:

§36.1-249. Permitted uses.

The following uses shall be permitted as principal uses in the LM district:

* * *

(24) General service establishments, *provided that:*

- (a) *any such establishment primarily engaged in the repair or maintenance of ~~goods or items including automobiles, motor vehicles or trailers~~ shall be limited to the incidental sale of up to five (5) repaired or rebuilt motor vehicles or trailers within one calendar year at that location, although the sale of repaired or rebuilt motor vehicles or trailers for the purpose of satisfying a lien for services rendered or parts supplied shall not be included in the total of such permitted incidental sales;*
- (b) *~~all trucks, construction equipment and the provision of business services provided all repair or maintenance activities are~~ shall occur in a wholly enclosed in a building; and ~~provided that the gross floor area of all new buildings for such uses is not less than five thousand (5,000) square feet~~*
- (c) *no repair or maintenance activities shall include motor vehicle or trailer painting or body repair.*

* * *

(28) *New commercial motor vehicle sales and service establishments, provided the lot area for the use contains a minimum of twenty thousand (20,000) square feet.*

(29) *Towing services, provided that:*

- (a) *The lot area contains a minimum of twenty thousand (20,000) square feet;*
- (b) *There shall be no outdoor storage of any damaged or inoperative motor vehicles or trailers for a period exceeding one hundred twenty (120) calendar days, unless documentation is provided that is satisfactory to the Zoning Administrator evidencing that such a damaged or inoperative motor vehicle or trailer is the subject of an*

on-going law enforcement or insurance investigation or is the subject of a proceeding being pursued as expeditiously as possible by the towing service pursuant to section 43-34 of the Code of Virginia (1950), as amended; and

- (c) *The storage area for any damaged or inoperative motor vehicles or trailers shall be screened from view from adjacent properties and public streets by the installation of an eight (8) foot tall, solid fence with a minimum two (2) foot wide buffer to screen the base of the fence along any lot frontage.*

7. Section 36.1-250, Special exception uses, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, be, and is hereby, amended and reordained by deleting subsections (3) and (6), and by amending subsection (8) by substituting “motor vehicle or trailer” for “automobile,” by adding “wrecker services” and “used commercial motor vehicle sales and service establishments” as uses by special exception, to read and provide as follows:

Sec. 36.1-250. Special exception uses.

The following uses may be permitted in the LM district by special exception granted by the board of zoning appeals, subject to the requirements of this section:

* * *

~~(3) — Establishments primarily engaged in the sale or rental of trucks and construction equipment including incidental repair of vehicles.~~

* * *

~~(6) — Tow truck operations, provided that:~~

~~(a) — The lot area contains a minimum of twenty thousand (20,000) square feet;~~

~~(b) — The outdoor storage area is accessory to a building on the same lot and has a maximum area of no greater than eighty (80) percent of the gross floor area of the building; and~~

~~(c) — The outdoor storage area is screened from view from adjacent properties and public streets.~~

(8) *Automobile Motor vehicle or trailer painting and body repair establishments, provided:*

- (a) The lot area contains a minimum of forty thousand (40,000) square feet;
- (b) The minimum gross floor area of the building shall be not less than fifteen thousand (15,000) square feet;
- (c) The outside storage area is accessory to a building on the same lot and has a maximum area of no greater than eighty (80) percent of the gross floor area of the building; and
- (d) The outdoor storage area is adequately screened from view from adjacent properties and public streets.

* * *

(10) *Wrecker services, provided that:*

- (a) *The lot area contains a minimum of twenty thousand (20,000) square feet;*
- (b) *There shall be no storage of a damaged or inoperative motor vehicle or trailer outside a wholly enclosed building for more than one hundred twenty (120) calendar days, unless documentation satisfactory to the Zoning Administrator is provided that such a damaged or inoperative motor vehicle or trailer is the subject of an on-going law enforcement or insurance investigation or is the subject of a proceeding being pursued as expeditiously as possible by the wrecker service pursuant to section 43-34 of the Code of Virginia (1950), as amended; and*
- (c) *The storage area for any damaged or inoperative motor vehicle or trailer shall be screened from view from adjacent properties and public streets by the installation of an eight (8) foot tall, solid fence with a minimum two (2) foot wide buffer to screen the base of the fence along any lot frontage; and*
- (d) *Notwithstanding subsection (b), any parts removed from a damaged or inoperative motor vehicle or trailer shall be stored within a wholly enclosed building.*

(11) *Used commercial motor vehicle sales and service establishment.*

8. Section 36.1-270, Permitted uses, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, be, and is hereby, amended and reordained by amending subsection

(11) to require that “general service establishments” which repair motor vehicle or trailers do so only in a wholly enclosed building, and by adding “towing services” as permitted uses in the HM District, to read and provide as follows:

§36.1-270. Permitted uses.

The following uses shall be permitted as principal uses in the HM district:

* * *

(11) General service establishments ~~primarily~~, *provided that:*

- (a) ~~establishments engaged in the repair or maintenance of goods or items including automobiles, trucks, construction equipment, and the provision of business services, provided that all motor vehicles or trailers shall be limited to the incidental sale of up to five (5) repaired or rebuilt motor vehicles or trailers within one calendar year at that location, although the sale of repaired or rebuilt motor vehicles or trailers for the purpose of satisfying a lien for services rendered or parts supplied shall not be included in the total of such permitted incidental sales; and~~
- (b) ~~all repair or maintenance activities, including painting and body repair, shall occur in a wholly enclosed building; and provided that the gross floor area of all new buildings for such uses is not less than five thousand (5,000) square feet.~~

(12) *Towing services, provided that:*

- (a) *The lot area contains a minimum of twenty thousand (20,000) square feet;*
- (b) *There shall be no outdoor storage of any damaged or inoperative motor vehicles or trailers for a period exceeding one hundred twenty (120) calendar days, unless documentation is provided that is satisfactory to the Zoning Administrator evidencing that such a damaged or inoperative motor vehicle or trailer is the subject of an on-going law enforcement or insurance investigation or is the subject of a proceeding being pursued as expeditiously as possible by the towing service pursuant to section 43-34 of the Code of Virginia (1950), as amended; and*
- (c) *The storage area for any damaged or inoperative motor vehicles or trailers shall be screened from view from adjacent properties and public streets by the installation of an eight (8) foot tall, solid fence*

with a minimum two (2) foot wide buffer to screen the base of the fence along any lot frontage.

9. Section 36.1-271, Special exception uses, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, be, and is hereby, amended and reordained by deleting subsection (5) and by adding “wrecker services” as a use by special exception, to read and provide as follows:

§36.1-271. Special exception uses.

The following uses may be permitted in the HM district by special exception granted by the board of zoning appeals, subject to the requirements of this section:

* * *

~~(5) — Tow truck operations, provided that:~~

- ~~(a) The lot area contains a minimum of twenty thousand (20,000) square feet;~~
- ~~(b) The outdoor storage area is accessory to a building on the same lot and has a maximum area of no greater than eighty (80) percent of the gross floor area of the building; and~~
- ~~(c) The outdoor storage area is screened from view from adjacent properties and public streets.~~

* * *

(6) *Wrecker services, provided that:*

- (a) The lot area contains a minimum of twenty thousand (20,000) square feet;*
- (b) There shall be no storage of a damaged or inoperative motor vehicle or trailer outside a wholly enclosed building for more than one hundred twenty (120) calendar days, unless documentation satisfactory to the Zoning Administrator is provided that such damaged or inoperative motor vehicle or trailer is the subject of an on-going law enforcement or insurance investigation or is the subject of a proceeding being pursued as expeditiously as possible by the*

wrecker service pursuant to section 43-34 of the Code of Virginia (1950), as amended; and

- (c) *The storage area for any damaged or inoperative motor vehicle or trailer shall be screened from view from adjacent properties and public streets by the installation of an eight (8) foot tall, solid fence with a minimum two (2) foot wide buffer to screen the base of the fence along any lot frontage; and*
- (d) *Notwithstanding subsection (b), any parts removed from damaged or inoperative motor vehicles or trailers shall be stored within a wholly enclosed building.*

10. Section 36.1-435, Parking of commercial vehicles, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, be, and is hereby, amended and reordained by revising the regulations pertaining to the parking of commercial motor vehicles in a residential district, to read and provide as follows:

§36.1-435. Parking of commercial *motor* vehicles.

- (a) No commercial motor vehicle *or panel truck* ~~exceeding three-quarter (3/4) ton gross weight~~ shall be parked or left standing in a residential district for more than two (2) hours at any time except for:

* * *

- (3) Vehicles belonging to or used by the occupant of a business premises, when the *business* premises constitute a lawfully existing use.

* * *

- (b) No *motor* vehicle intended or designed to transport caustic, flammable, explosive or otherwise dangerous materials shall be permitted to be parked overnight in a residential district.

11. Pursuant to the provisions of Section 12 of the Roanoke City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

August 18, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Amendment to City
Code Section 20-71

Enforcement of section 20-71 of the Code of the City of Roanoke (1979), as amended, pertaining to parking of commercial motor vehicles in residential districts has been hampered by a lack of a definition of the term "commercial motor vehicle." The proposed amendments to section 20-71 provide, among other things, that certain trucks, construction equipment, trailers, semi-trailers, taxis, limousines, tow trucks, and dump trucks, may not be parked or left standing on any street or alley located in a residential district for more than two (2) hours.

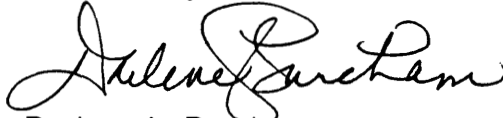
Certain school buses and emergency vehicles, vehicles being loaded or unloaded, vehicles belonging to or used by the occupant of a business when the premises constitute a lawfully existing use, as well as vans, pickup trucks and panel trucks, which would otherwise constitute "commercial motor vehicles," are exempted from the application of the ordinance. No motor vehicle, however, designed to transport dangerous materials may be permitted to park in a residential district.

Enforcement of section 20-71, as amended, is intended to dovetail with the proposed amendments to the Zoning Ordinance which relate to parking commercial vehicles in a residential district.

Recommended Action:

City Council adopt an ordinance amending Section 20-71 of the City Code pertaining to the regulation of on-street or alley parking of commercial motor vehicles in residential districts.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Darlene L. Burcham', written in a cursive style.

Darlene L. Burcham
City Manager

Attachments

c: William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Jesse A. Hall, Director of Finance
Joe Gaskins, Chief of Police
Brian Townsend, Director of Planning Building and Development

WMT

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining §20-71, Parking of commercial trucks, of Article IV, Stopping, Standing and Parking, of Chapter 20, Motor Vehicles and Traffic, of the Code of the City of Roanoke (1979), as amended, to provide for the definition of commercial motor vehicle and to prohibit the same from parking on the streets and alleys in a residential district under certain circumstances; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Section 20-71, Parking of commercial trucks, of Article IV, Stopping, Standing and Parking, of Chapter 20, Motor Vehicles and Traffic, of the Code of the City of Roanoke (1979), as amended, is hereby amended and reordained to read and provide as follows:

Sec. 20-71. Parking of commercial truck motor vehicles.

~~No commercial truck shall be parked or left standing on any street or alley located in a residential district in the city for more than two (2) hours at any time, except when actually engaged in loading or unloading merchandise; provided, however, that trucks belonging to and used by the occupant of a business premises located in a residential district shall be permitted to stand in front of the business premises actually occupied by the owner of said truck; provided, further, that the owner of any truck while actually engaged in work on the premises shall be permitted to have his truck stand in front of said premises; provided further that the provisions of this section shall not apply to trucks used in street construction work and street maintenance.~~

(a) *For purposes of this section, a commercial motor vehicle shall be any motor vehicle or trailer used, designed or maintained for the transportation of persons or property for compensation or profit, and which is one of the following types of vehicles: trucks, tractor cabs, farm tractors, construction equipment, motor passenger buses, trailers, semi-trailers, taxis, limousines, tow trucks, dump trucks, roll back tow trucks, flatbed trucks, or step vans.*

(b) No commercial motor vehicle shall be parked or left standing on any street or alley located in a residential district for more than two (2) hours at any time, except for:

- (1) School buses currently used by a public or private institution of learning;*
 - (2) Emergency vehicles, while such vehicles are providing emergency services, or emergency vehicles which are owned by the City of Roanoke;*
 - (3) Vehicles being loaded or unloaded;*
 - (4) Vehicles belonging to or used by the occupant of a business premises when the premises constitute a lawfully existing use;*
 - (5) Vehicles, the occupants of which are actually engaged in work on the premises; and*
 - (6) Vehicles being used in connection with utility or street work.*
- (c) No motor vehicle intended or designed to transport caustic, flammable, explosive or otherwise dangerous materials shall be permitted to be parked overnight in a residential district.*
- (d) For purposes of subsections (a) and (b) of this section, vans, pickup trucks and panel trucks shall not be considered commercial motor vehicles.*

* * *

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

A.4.

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

August 18, 2003

Architectural Review Board
Board of Zoning Appeals
Planning Commission

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Amending and reordaining Section 36.1-693, Notice of hearing, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, by deleting the requirement of erecting signs when a proposed amendment affects more than twenty-five (25) parcels.

Planning Commission Action:

A public hearing was held by the Planning Commission on Thursday, July 17, 2003. The Commission, by a vote of 6-0 (Mr. Butler absent), recommended that City Council approve the proposed amendment.

Background:

This text amendment deletes the requirement that, when a proposed amendment affects the district classification of more than twenty-five (25) parcels, at least one sign shall be erected on each corner of each block on which any affected properties lie. Such sign is required to provide notice of public hearing, indicating the proposed change, identification of affected properties, and the time, date, and place of such hearing.

Considerations:

The posting requirement that is the subject of the proposed text amendment is not mandated by the City Charter or Virginia Code. The proposed amendment will reduce the logistical impact on a comprehensive rezoning of the city, such as that which will be undertaken with the preparation of a new zoning ordinance and zoning map. Consideration of a new zoning ordinance will necessitate the amendment of district classifications throughout the city in order that all parcels are zoned in a manner that is consistent with the new zoning ordinance. The

logistical impact of the requirement for posting of signs for notice on a citywide rezoning effort would be significant if not logistically prohibitive.

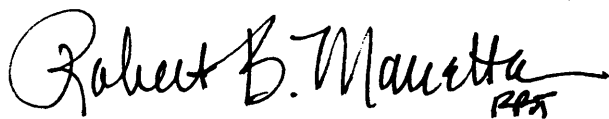
At the Planning Commission public hearing, Mrs. Nancy Snodgrass, City Planner, explained that the proposed text amendment does not necessarily reflect language that will be carried over to the new zoning ordinance. During recent discussions by the Zoning Ordinance Steering Committee, in consideration of a tiered method of public notice for inclusion in the new zoning ordinance, it became evident that the current requirement for the posting of signs for rezoning petitions affecting more than twenty-five parcels should be deleted at this time to provide for a feasible and logistical procedure for a comprehensive, citywide rezoning.

Planning Commission discussion focused on methods of notification of property owners for a comprehensive rezoning of the city. Mrs. Snodgrass responded that State Law mandates that all property owners be notified by mail. It is also anticipated that with a citywide reclassification of property there will be substantial publicity regarding such, both during the public review and public hearing processes. Furthermore, staff anticipates no comprehensive rezonings of property involving more than twenty-five parcels between now and the time of the citywide rezoning effort.

Recommendation:

The Planning Commission recommends adoption of the proposed amendment to Section 36.1-693 of the City Code.

Respectfully submitted,

A handwritten signature in black ink that reads "Robert B. Manetta". The signature is stylized with a large, looping "R" and a long horizontal stroke at the end. Below the signature, the initials "RBM" are written in a smaller, more compact script.

Robert B. Manetta, Chairman
Roanoke City Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining §36.1-693, Notice of hearing, Division 5, Amendments, Article VII, Administration, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, by repealing the required placement of signage on property when a proposed amendment affects the district classification of more than twenty-five (25) parcels; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Section 36.1-693, Notice of hearing, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, is hereby amended and reordained, by repealing the required placement of signage on property when a proposed amendment affects the district classification of more than twenty-five (25) parcels, to read and provide as follows:

Section 36.1-693, Notice of hearing.

Prior to conducting any public hearing required by this chapter before the city council or the planning commission, notice shall be given as required by section 15.2-2204, Code of Virginia (1950), as amended, and in the case of hearings before the city council, in conformance with any additional requirements of section 62 of the Charter. The expense of advertising shall be borne by the applicant. Any affidavits required by section 15.2-2204, Code of Virginia (1950), as amended, shall be filed with the city clerk. In addition, when a proposed amendment affects the district classification of twenty-five (25) or fewer parcels, the zoning administrator shall erect a sign on each of such parcels, at least ten (10) days prior to the public hearing before the planning commission, indicating the nature of the change

proposed, the identification of the property or properties affected, and the time, date and place of such hearing. ~~When a proposed amendment affects the district classification of more than twenty-five (25) parcels, the zoning administrator shall erect at least one (1) sign on each corner of each block on which any of the affected properties lies, at least ten (10) days prior to the public hearing before the planning commission, indicating the nature of the change proposed, the identification of the property or properties affected, and the time, date and place of such hearing~~

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

VIRGINIA;

IN THE COUNCIL OF THE CITY OF ROANOKE

IN THE MATTER OF

) PETITION FOR APPEAL
)
)
)

This is a Petition for Appeal from a decision of the Architectural Review Board under Section 36.1-642(d) of the Zoning Ordinance of the Code of the City of Roanoke (1979), as amended.

1. Name of Petitioner(s): H & W Properties, LLC
2. Doing business as (if applicable): (Same)
3. Street address of property which is the subject of this appeal: 702 Marshall Ave. S.W.
4. Overlay zoning (H-1, Historic District, or H-2, Neighborhood Preservation District) of property(ies) which is the subject of this appeal: H-2
5. Date the hearing before the Architectural Review Board was held at which the decision being appealed was made: May 8, 2003 1st Hearing
July 10, 2003 2nd Hearing
6. Section of the Code of the City of Roanoke under which the Certificate of Appropriateness was requested from the Architectural Review Board (Section 36.1-327 if H-1 or Section 36.1-345 if H-2): 36.1-345
7. Description of the request for which the Certificate of Appropriateness was sought from the Architectural Review Board: Installation of vinyl siding, corner boards, window and door facings
8. Grounds for appeal: Sec 36.1-345 does not require a certificate of appropriateness as long as the materials are of the same design and maintain the architectural defining features of the building. Page 4 of the minutes of the ARB hearing from July 10, 2003 show the amendments and changes made by H & W Properties, LLC in order to meet the code requirements.
9. Name, title, address and telephone number of person(s) who will represent the Petitioner(s) before City Council: Dana A. Walker, General Manager, H&W Properties, LLC
c/o Hall Assoc. Inc. 213 S. Jefferson Street #1007
Roanoke, Virginia 24011 580 - 5038

WHEREFORE, your Petitioner(s) requests that the action of the Architectural Review Board be reversed or modified and that a Certificate of Appropriateness be granted.

Signature of Owner(s)
(If not Petitioner):

Name: _____
(print or type)

Name: _____
(print or type)

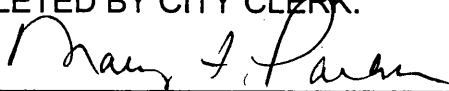
Signature of Petitioner(s) or
representative(s), where
applicable:



Name: Dana A. Walker
(print or type)
H&W Properties, LLC
General Manager

Name: _____
(print or type)

TO BE COMPLETED BY CITY CLERK:

Received by:  _____

Date: 07-31-03 _____

Sec. 36.1-345. District regulations; certificate of appropriateness.

(a) In order to encourage the preservation and enhancement of the district and encourage the rehabilitation and new construction in conformance with the existing scale and character of the district, the architectural review board shall review and approve the erection of new buildings or structures, including signs, the demolition, moving, reconstruction, alteration or restoration, of existing structures and buildings, or reduction in their floor area, including the enclosure or removal of a porch. No such erection, demolition, moving, reconstruction, alteration, restoration, or enlargement or reduction of a structure, or building, shall be undertaken without the issuance of a certificate of appropriateness by the board, unless otherwise specified herein.

(b) The painting or ordinary maintenance of any building, structure or historic landmark in the district shall not require a certificate of appropriateness. Ordinary maintenance shall be any activity relating to a building, structure, or landmark which constitutes a minor alteration of any element of a building, structure, or landmark, and which is, or should be, performed on a regular and relatively frequent basis to maintain architectural and structural integrity.

* (c) The installation or replacement of siding, or the replacement of porches, stairs, awnings, roofing materials, windows, or other similar modifications to an element of a building, structure, or landmark shall not require a certificate of appropriateness, provided that such installation or replacement is performed using materials which are of the same design as those on the building, structure or landmark, and provided that such installation or replacement maintains the architectural defining features of the building, structure or landmark.

(d) The determination of whether an activity constitutes ordinary maintenance, or whether an installation or modification otherwise requires a certificate of appropriateness, under this section shall be made by the zoning administrator in consultation with the secretary to the architectural review board.

(e) Whenever a certificate of appropriateness is required, no building permit shall be issued until the certificate of appropriateness has been granted. The zoning administrator shall make routine inspections of the work being performed pursuant to such building permit to ensure compliance with the terms of the certificate of appropriateness.

(f) This section shall not prevent the demolition or razing of a building, structure, or historic landmark which the building maintenance code official certifies in writing is required for public safety because of an unsafe or dangerous condition.

(g) After an area has been zoned H-2, the architectural review board may recommend to the city planning commission that more specific regulations be adopted for that particular district. This section shall be amended as provided for in section 36.1-690, et seq.

(Ord. No. 28611, § 2, 4-27-87; Ord. No. 31177, § 1, 9-28-92; Ord. No. 35368, § 1, 5-21-

TO: STACY
FM: ANNE 853.1522



CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

Architectural Review Board
Board of Zoning Appeals
Planning Commission

July 11, 2003

Dana Walker
H & W Properties, LLC
213 Jefferson Street, S.W., #1007
Roanoke, VA 24011

Dear Mr. Walker:

Subject: Application for a Certificate of Appropriateness
Certificate No. 03-031, 702 Marshall Avenue, S.W.

On July 10, 2003, the Architectural Review Board of the City of Roanoke, Virginia, considered your request for installation of vinyl siding on the building at 702 Marshall Avenue, S.W., and a Certificate of Appropriateness was denied. The Board found that the installation of the siding would not maintain the architectural defining features of the building and was not appropriate.

If you are aggrieved by this decision of the Architectural Review Board, you have the right to appeal the Board's decision to City Council within 30 days of the date of the decision. Information on the appeals process is enclosed. Please contact Anne Beckett a call at 853-1522 if you have additional questions.

Sincerely,

Martha P. Franklin, Secretary
City Architectural Review Board

/f
enclosure

**CITY OF ROANOKE ARCHITECTURAL REVIEW BOARD
JULY 10, 2003**

MINUTES

DRAFT

The regular meeting of the City of Roanoke Architectural Review Board was held on Thursday, July 10, 2003. The meeting was called to order at 4:05 p.m., by Robert Richert, Chairman. Attendance was as follows:

Members Present: Don Harwood
Robert Manetta
Matt Prescott
Robert Richert
Kyle Ray

Members Absent: Alison Blanton
Jim Schlueter

Position	Date	# of pages
Fax Note R7673	7/18	8
To	Dana Walker	
Fax#		
From		
Phone#		

The following items were considered:

1. Approval of Minutes – June 12, 2003

There being no additions and/or corrections, the minutes were approved as distributed.

2. Request from Angell Associates, represented by Richard Kurshan, for a Certificate of Appropriateness approving a sign at 126 Campbell Avenue, S.W., Official Tax No. 1011508.

Mr. Kurshan appeared before the Board and noted that the studio had one sign, but wanted additional hanging signs on which to put the individual artists' names. He said that the hanging name plates would be the same color as the existing sign. Mr. Kurshan advised that each artist independently rented the space from him and he felt they needed some identification on a sign outside.

Mr. Richert asked for questions.

Mr. Manetta asked Mr. Kurshan if he had given any thought to putting brackets on the façade and then adding the individual signs to that.

Mr. Harwood also suggested a sign board with plaques, which could be removed when artists changed, mounted to the column. He also said that a window sign was a possibility. He said that either of these would put the names out there without increasing the mass of signage.

City of Roanoke Architectural Review Board
July 10, 2003
Page 2

DRAFT

Mr. Kurshan said that a window sign would not be visible, and he had not thought about any other type sign.

Mr. Richert said he was concerned with the precedent this type of sign would set. He said that the Board was trying to be consistent about the amount of stuff hanging over the sidewalk.

Mr. Manetta asked if there was a possibility that the number of studios would expand to the building behind.

Mr. Kurshan said there was that possibility and at that time he would put signage on the other street.

Mr. Richert said that he had a problem with a hanging sign.

Mr. Kurshan said that even with the additional hanging sign he would still be far below the maximum square footage for signage allowed. He said he did not agree that the sign cluttered the street.

Ms. Beckett said that she was concerned about visual clutter and she felt the sign needed to be more of a directory type sign. She also said she was concerned about precedent.

Mr. Richert asked for audience comment.

There was none.

Mr. Richert asked for Board comment. There being none, he called for a vote. By a roll call vote of 3-2, the request was approved as presented, as follows:

Mr. Harwood – yes
Mr. Ray – yes
Mr. Manetta – no
Mr. Prescott – yes
Mr. Richert – no

3. Request from Winter Properties Partnership, LLP, represented by Scott Winter, for a Certificate of Appropriateness approving new construction on Janette Avenue, S.W., Official Tax No. 1140121.

Mr. Scott Winter appeared before the Board and said that he had addressed the issues brought forward at last month's meeting. He said that after talking with Building officials about the alignment of the buildings, he had found that he would be able to step all buildings back on the lot. Mr. Winter presented two sets of plans to the Board and they reviewed them at the dais. Mr. Winter said that he

City of Roanoke Architectural Review Board
July 10, 2003
Page 3

DRAFT

had presented two different window sections – a double hung and casement and he asked the Board's advice on which one was acceptable.

Mr. Richert said that he would like to have the plans in advance of the meeting.

Mr. Winter responded that they had just been completed prior to the meeting.

Board members and Mr. Winter discussed the plans at the dais. He also presented booklets showing various light fixtures he wanted approved.

Mr. Winter was advised to use soffit material running parallel as well as the beaded type of material. He also discussed the following light fixtures:

Left of each front door – 2814 Accolade Craft Made
Adjacent to back door as well as adjacent to garage door – 717-65
Quarum International carriage type light
Walk lights – 2-3 per unit, not over 12 inches in height – Terralight 6339

Mr. Richert asked for staff comment.

Ms. Beckett said she preferred the casement windows.

Mr. Richert asked for audience comment.

There were no comments.

Mr. Richert noted the following additions to the 7/8/03 preliminary drawings:

1. soffit material will run parallel to the building and be beaded cross section;
2. window configuration will be double hung, eight over ones;
3. window casing to be 3 ½" wide with an integral "J" channel for the rear elevation;
4. lighting to be as set out above;
5. porch roof to have an additional 6" overhang over the fascia; trim board to match the trim on the front of the building;
6. bricks to be according to specifications provided;
7. mortar to be beige, according to specifications provided;
8. roofing material to be GAF brand, 30-year dimensional shake shingles, in weathered wood color.

Mr. Harwood moved the Board approve the submittal with the additions set out by Mr. Richert. The motion was seconded by Mr. Manetta and approved by a roll call vote of 5-0, as follows:

City of Roanoke Architectural Review Board
July 10, 2003
Page 4

DRAFT

Mr. Harwood – yes
Mr. Ray – yes
Mr. Manetta – yes
Mr. Prescott – yes
Mr. Richert – yes

- 4, Request from H & W Properties, LLC, represented by Dana A. Walker for a Certificate of Appropriateness approving the installation of vinyl siding and corner boards at 702 Marshall Avenue, S.W.

Mr. Richert asked Mr. Walker if he had anything to show the Board.

Mr. Walker said he would like to request that the following list of amendments and changes be noted in the minutes of the hearing.

1. proposing to remove the 4x4 Dutch Lap siding and "J" channel and corner boards and replace them with 5x5 Dutch Lap siding. He said that he was proposing integral "J" channel for windows, doors and corners.
2. proposing to wrap the window facings;
3. proposing to let the Board choose between 3 options on the corner boards: (1) traditional; (2) fluted; or (3) 3 piece rounded center;
4. proposing to secure or replace loose or missing original boards;
5. proposing to install gutters and downspouts

He said that all of the items had been concerns at the last hearing. He then showed a sample of the 5x5 Dutch Lap siding, as well as the integral "J" channel for the windows and doors. He also showed samples and photographs of the 3 types of corner boards. He said the 3 piece rounded was designed to look like what was on the building at present.

Mr. Richert asked for comments.

Ms. Beckett said that she still believed that the request was not consistent with the H-2 guidelines. She said that she thought the house should be repaired before any vinyl siding was considered.

Mr. Walker said that he had asked Ms. Beckett about the specific repair issues that should be addressed and he was still waiting on an answer.

Ms. Beckett said that there were a lot of moisture issues because of the lack of gutters and she thought the vinyl siding would trap more moisture and accelerate the deterioration of the building.

City of Roanoke Architectural Review Board
July 10, 2003
Page 5

DRAFT

Mr. Walker pointed out that the window trims were the same size, but the door trims were two different sizes. He said he would cut down the window facings to five inches, and on the door, he would come up with something consistent.

Mr. Richert questioned whether it would be the same or 3 1/2"

Mr. Walker said that he thought it would look better at five inches to match the windows.

Mr. Harwood questioned why siding was being considered for the building. He asked if the wood siding was deteriorated. He questioned whether the Board's thinking was more that vinyl siding may be appropriate for new construction or when something would not hold paint.

Mr. Walker said he had struggled over the years to keep paint on the building and the long-term cost effectiveness.

Mr. Richert said that it was his opinion that unless a building was a major disaster, that the covering of the historic buildings in the historic district was inconsistent with the architectural character of the district. He said the request did not meet the criteria for him and he was not going to support the request. He said that casing the building would allow further deterioration.

Mr. Walker quoted from Section 36.1-345 of the Code and noted that it did not say that you had to use the same materials.

Mr. Richert asked for audience comment.

Mr. David Lazarchik (364 Walnut Avenue) appeared before the Board and read a prepared statement from Old Southwest Inc. This statement is attached to the minutes and labeled Attachment 1.

Mr. Peter Krull (609 Woods Avenue) appeared before the Board and said that he had dealt with an issue regarding vinyl last year, however, his request was in the rear of the house. He said that this one was in the front. He commented on the new paint products available and the workshop that had been held at an Old Southwest meeting, with City staff, on long-term paints.

Mr. Prescott said that the Board had been talking about not approving any more vinyl siding unless there was no other option. He asked if that was in line with the City Code.

Mr. Richert said that the current ordinance gave the Board the authority to make a decision based on the architectural appropriateness and that was his basis for objection.

City of Roanoke Architectural Review Board
July 10, 2003
Page 6

DRAFT

Mr. Prescott asked the City Attorney's opinion.

Mr. Gary Tegenkamp also read Section 36.1-345 noting when a certificate of appropriateness was not required for installation or replacement of siding. He said it was a judgment call by the Board.

Mr. Prescott asked if Council had referred the matter back to the Board for more details.

Mr. Richert said that Council had told the applicant he had not followed the proper procedure.

Mr. Walker asked why all this time was being spent attempting to justify the Board's position and not being spent trying to change the Code.

Mr. Richert said that was being done.

Mr. Richert then stated it seemed the only matter that had not been resolved was the corner boards.

Mr. Harwood said he would use the rounded three piece.

Mr. Richert asked the Secretary to poll the Board.

The request was denied by a roll call vote of 5-0, as follows:

Mr. Harwood – no
Mr. Ray – no
Mr. Manetta – no
Mr. Prescott – no
Mr. Richert – no

5. Request from Tiberius Enterprises, Inc., represented by Sign Design, for a Certificate of Appropriateness approving signage at 1328 Second Street, S.W., Official Tax No. 1030706.

Mr. Dan Moore from Sign Design appeared before the Board and said he was open to any suggestions the Board might want to make relative to the sign.

Mr. Harwood said that Board members on the tour had discussed the "v" shaped sign and were not in favor of it. He said that the sentiment had leaned toward a sign perpendicular to the building.

New Business

702 Marshall Avenue, SW – H-2 District

- A. H&W Properties, LLC represented by Dana Walker, for a Certificate of Appropriateness approving installation of vinyl siding and corner boards on structure.

Project Background and Description:

The ARB denied Mr. Walker a Certificate of Appropriateness at the May meeting, and he subsequently appealed to City Council. City Council referred the matter back to the ARB in order for the board to consider more details.

Findings

The H-2 Architectural Guidelines recommends the following:

- Do not replace sound historic siding with new materials to achieve an “improved” appearance.
- Historic wood siding is a distinctive feature of many Roanoke residences and help to define the visual characteristics of a building.
- Changing or covering siding can often alter or destroy the authentic character of a building.
- Both new and historic siding requires periodic maintenance to give a building proper weather protection.
- Retain existing siding: Identify and keep the original exterior siding materials as well as any unique siding.
- Remember to repair problems, such as water penetration, before installing vinyl siding.

Staff Comments:

Staff recommends denial of the request because the project is inconsistent with ARB guidelines. Furthermore, staff believes that the structure has maintenance issues that cannot be addressed with the application of vinyl siding. Without a commitment to address the moisture problems, staff believes that the building will continue to deteriorate. This deterioration will likely be accelerated by the application of siding.

364 WALNUT AVE SW

The Board of Directors of Old Southwest Incorporated has approved this statement regarding the use of synthetic siding in our historic district:

The historic district of Old Southwest is a valuable asset to the City of Roanoke. The value of Old Southwest comes from the multitude of architectural styles and the many architectural details that grace each home. Whether it be large mansion or small bungalow, each house is unique in it's own way. Few other neighborhoods in Virginia contain so many diversified examples of housing from between 1890 and 1930. City Council has appointed and charged the Architectural Review Board with ensuring that work on buildings in our area preserves these architectural features and the historic character of each building and of the neighborhood as a whole. We fully support their efforts to retain the existing forms, features, and materials of historic properties which are the essence of our district. In addition, we endorse the Secretary of the Interior's Standards for Rehabilitation which are based on the premise that retention of historic materials, features and craftsmanship are of primary importance and that the use of vinyl or aluminum siding is not recommended. Therefore, we oppose the use of synthetic siding on existing historic properties unless no other option is available because:

1. Replacing or covering wood siding severely diminishes the unique aspects of historic materials and craftsmanship. In most cases, application of such materials entails removal or coverage of architectural details such as window headers, corner boards, and distinctive siding or shingle patterns and also flattens the 3 dimensional profile which makes each building unique.
2. Changes to character defining features of a building also alter the visual relationships between buildings. When character defining details are covered or removed from a number of buildings in a historic district, the character of the entire district may be

seriously damaged. This has already occurred numerous times in Old Southwest.

3. Synthetic siding is used with the implication that it is a maintenance free product. However, it is frequently used as a cosmetic fix over peeling paint, stains, or other signs of deterioration which can progress unnoticed to become major structural problems. It is not a substitute for proper repairs and ongoing maintenance.
4. With the advent of new, long duration paints, the argument that synthetic siding is an economical alternative to a good paint job is not necessarily valid.

In summary, we believe that if Old Southwest is to retain it's historic charm, it's uniqueness, and it's reputation as one of Virginia's outstanding historic districts, the use of synthetic siding is inappropriate. Its use on existing historic structures should not be approved by the Architectural Review Board unless no other option is available.

The Board of Directors of Old Southwest, Inc. appreciates this opportunity to express it's opinion on this matter. Thank you.

Reference: National Park Service Historic Preservation Brief #8, "Aluminum and Vinyl Siding on Historic Buildings: The Appropriateness of Substitute Materials for Resurfacing Historic Wood Frame Buildings".



MARY F. PARKER, CMC
City Clerk

**CITY OF ROANOKE
OFFICE OF CITY CLERK**

215 Church Avenue, S.W., Room 456

Roanoke, Virginia 24011-1536

Telephone: (540) 853-2541

Fax: (540) 853-1145

E-mail: clerk@ci.roanoke.va.us

STEPHANIE M. MOON
Deputy City Clerk

SHEILA N. HARTMAN
Assistant City Clerk

June 19, 2003

File #249

Robert N. Richert, Chair
Architectural Review Board
415 Allison Avenue, S. W.
Roanoke, Virginia 24016

Dear Mr. Richert:

A petition appealing a decision of the Architectural Review Board, for a Certificate of Appropriateness, filed by Dana A. Walker, General Manager, H & W Properties, LLC, with regard to property located at 702 Marshall Avenue, S. W., was before the Council of the City of Roanoke at a regular meeting which was held on Monday, June 16, 2003.

On motion, duly seconded and adopted, the matter was referred back to the Architectural Review Board, pursuant to Section 36.1-642(d), Code of the City of Roanoke (1979), as amended.

Sincerely,

Mary F. Parker, CMC
City Clerk

MFP:mh

pc: ✓ John R. Patterson, Attorney, First Union Building, 213 South Jefferson Street, Suite 910, Roanoke Virginia 24011
Darlene L. Burcham, City Manager
R. Brian Townsend, Director, Planning, Building and Development
Anne S. Beckett, Agent, Architectural Review Board

VIRGINIA;

IN THE COUNCIL OF THE CITY OF ROANOKE

IN THE MATTER OF

)
) PETITION FOR APPEAL
)
)

This is a Petition for Appeal from a decision of the Architectural Review Board under Section 36.1-642(d) of the Zoning Ordinance of the Code of the City of Roanoke (1979), as amended.

1. Name of Petitioner(s): H & W Properties LLC
2. Doing business as (if applicable): (Same)
3. Street address of property which is the subject of this appeal: 702 Marshall Avenue SW
4. Overlay zoning (H-1, Historic District, or H-2, Neighborhood Preservation District) of property(ies) which is the subject of this appeal: H-2
5. Date the hearing before the Architectural Review Board was held at which the decision being appealed was made: May 8, 2003
6. Section of the Code of the City of Roanoke under which the Certificate of Appropriateness was requested from the Architectural Review Board (Section 36.1-327 if H-1 or Section 36.1-345 if H-2): 36.1-345
7. Description of the request for which the Certificate of Appropriateness was sought from the Architectural Review Board: Installation of vinyl siding and corner boards

8. Grounds for appeal: Sec 36.1-345 does not require a certificate of appropriateness as long as the materials are of the same design. The original request to the ARB was modified to incorporate the use of the same design materials per page 8 of the hearing minutes.
9. Name, title, address and telephone number of person(s) who will represent the Petitioner(s) before City Council: John R. Patterson, Attorney, First Union Building
213 South Jefferson Street Suite 900
Roanoke VA 24011 342-5157

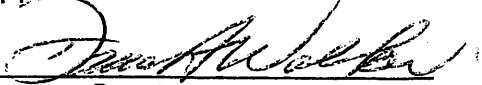
WHEREFORE, your Petitioner(s) requests that the action of the Architectural Review Board be reversed or modified and that a Certificate of Appropriateness be granted.

Signature of Owner(s)
(If not Petitioner):

Name: _____
(print or type)

Name: _____
(print or type)

Signature of Petitioner(s) or
representative(s), where
applicable:



Dana A. Walker
Name: H & W Properties, LLC
(print or type)
General Manager

Name: _____
(print or type)

TO BE COMPLETED BY CITY CLERK:

Received by: _____ Date: _____

Sec. 36.1-345. District regulations; certificate of appropriateness.

(a) In order to encourage the preservation and enhancement of the district and encourage the rehabilitation and new construction in conformance with the existing scale and character of the district, the architectural review board shall review and approve the erection of new buildings or structures, including signs, the demolition, moving, reconstruction, alteration or restoration, of existing structures and buildings, or reduction in their floor area, including the enclosure or removal of a porch. No such erection, demolition, moving, reconstruction, alteration, restoration, or enlargement or reduction of a structure, or building, shall be undertaken without the issuance of a certificate of appropriateness by the board, unless otherwise specified herein.

(b) The painting or ordinary maintenance of any building, structure or historic landmark in the district shall not require a certificate of appropriateness. Ordinary maintenance shall be any activity relating to a building, structure, or landmark which constitutes a minor alteration of any element of a building, structure, or landmark, and which is, or should be, performed on a regular and relatively frequent basis to maintain architectural and structural integrity.

* (c) The installation or replacement of siding, or the replacement of porches, stairs, awnings, roofing materials, windows, or other similar modifications to an element of a building, structure, or landmark shall not require a certificate of appropriateness, provided that such installation or replacement is performed using materials which are of the same design as those on the building, structure or landmark, and provided that such installation or replacement maintains the architectural defining features of the building, structure or landmark.

(d) The determination of whether an activity constitutes ordinary maintenance, or whether an installation or modification otherwise requires a certificate of appropriateness, under this section shall be made by the zoning administrator in consultation with the secretary to the architectural review board.

(e) Whenever a certificate of appropriateness is required, no building permit shall be issued until the certificate of appropriateness has been granted. The zoning administrator shall make routine inspections of the work being performed pursuant to such building permit to ensure compliance with the terms of the certificate of appropriateness.

(f) This section shall not prevent the demolition or razing of a building, structure, or historic landmark which the building maintenance code official certifies in writing is required for public safety because of an unsafe or dangerous condition.

(g) After an area has been zoned H-2, the architectural review board may recommend to the city planning commission that more specific regulations be adopted for that particular district. This section shall be amended as provided for in section 36.1-690, et seq.

(Ord. No. 28611, § 2, 4-27-87; Ord. No. 31177, § 1, 9-28-92; Ord. No. 35368, § 1, 5-21-

TO: STACY
FM: ANNE 853.1522



CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011

Telephone: (540) 853-1730 Fax: (540) 853-1230

E-mail: planning@ci.roanoke.va.us

May 12, 2003

Architectural Review Board
Board of Zoning Appeals
Planning Commission

4th Floor
May 12, 2003
C. H. Clark
753 2541

Dana Walker
H & W Properties, LLC
213 Jefferson Street, S.W., #1007
Roanoke, VA 24011

Dear Mr. Walker:

Subject: Application for a Certificate of Appropriateness
Certificate No. 03-011, 702 Marshall Avenue, S.W.

On May 8, 2003, the Architectural Review Board of the City of Roanoke, Virginia, considered your request for installation of vinyl siding on the building at 702 Marshall Avenue, S.W., and a Certificate of Appropriateness was denied. The Board found that the installation of the siding would not maintain the architectural defining features of the building and was not appropriate.

If you are aggrieved by this decision of the Architectural Review Board, you have the right to appeal the Board's decision to City Council within 30 days of the date of the decision. Information on the appeals process is enclosed. Please contact Anne Beckett a call at 853-1522 if you have additional questions.

Sincerely,

Martha P. Franklin

Martha P. Franklin, Secretary
City Architectural Review Board

/f
enclosure



CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

Architectural Review Board
Board of Zoning Appeals
Planning Commission

Dear Property Owner and/or Applicant:

Your request for a Certificate of Appropriateness will be heard by the Architectural Review Board as set out on the enclosed agenda. Your attendance at the meeting is required in order for the Board to make an informed decision on your application. If you have a contractor or other representative, they are welcome to attend the meeting with you.

Sincerely,

Martha P. Franklin, Secretary
Architectural Review Board

/f
enclosure

Post-it	Date	# of pages
Fax Note R7573	5/28/05	5
To	Stacy	
Fax#		
From		
Phone#		

702 Marshall Avenue, SW – H-2 District

B. H&W Properties, LLC represented by Dana Walker, for a Certificate of Appropriateness approving installation of vinyl siding and corner boards on

Project Background and Description:

The project to install vinyl siding was commenced without a Certificate of Appropriateness. Staff advised Mr. Walker to stop work on the project until ARB review.

Findings

The vinyl siding does not match the size and shape of the existing wood siding. The building, which contains five rental units, is in fair condition, and is in need of maintenance and repair work to improve its appearance. For instance, the existing front porch consists of 6-in. x 6-in. posts on a concrete pad with a shed roof covered with asphalt shingles.

The H-2 Architectural Guidelines recommends the following:

- Do not replace sound historic siding with new materials to achieve an “improved” appearance.
- Historic wood siding is a distinctive feature of many Roanoke residences and help to define the visual characteristics of a building.
- Changing or covering siding can often alter or destroy the authentic character of a building.
- Both new and historic siding requires periodic maintenance to give a building proper weather protection.
- Retain existing siding: Identify and keep the original exterior siding materials as well as any unique siding.

Staff Comments:

I reviewed the proposed request and recommend **denial** of the vinyl siding application because the wood siding appears in good condition, is a character defining feature to the house and neighborhood, and the vinyl siding does not match the size and shape of the existing wood siding. The proposed project is not consistent with the H-2 guidelines because it is being installed improperly on a building that still retains its historic features.



CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

Architectural Review Board
Board of Zoning Appeals
Planning Commission

City of Roanoke Architectural Review Board
City Council Chamber, Fourth Floor, Noel C. Taylor Municipal Building
May 8, 2003 - 4:00 p.m.

AGENDA

I. Call to Order.

Welcome to the May meeting of the City of Roanoke Architectural Review Board. Each application on the agenda will be heard separately and in the order in which it appears. If you wish to be heard on a particular matter, please be recognized in turn and then approach the podium so that the Board's secretary may record the proceedings accurately.

II. Approval of Minutes: April 10, 2003

III. Old Business:

- A. Request from Walter and Walter Properties, LLC, represented by Walt Derey, for a Certificate of Appropriateness approving exterior modifications to house and garage at 433 Albemarle Avenue, S.W.
- B. Request from 123 East Campbell Avenue Associates, represented by Robert Szathmary, for a Certificate of Appropriateness approving light fixtures at 123 Campbell Avenue, S.E.
- C. Request from Physicians Associates of Virginia, represented by D. Baker & Co., Inc., for a Certificate of Appropriateness approving roof and soffit modifications at 1310 Third Street, S.W. (Request to continue until June meeting)

IV. New Business:

- A. Request from 123 East Campbell Avenue Associates, represented by Robert Szathmary, for a Certificate of Appropriateness approving rear wall modifications at 123 Campbell Avenue, S.E.
- B. Request from H & W Properties, LLC, represented by Dana Walker, for a Certificate of Appropriateness approving installation of vinyl siding and corner boards on structure at 702 Marshall Avenue, S.W.
- C. Request from 10 East Church Avenue, LLC, represented by David L. Bandy, for a Certificate of Appropriateness approving three signs at 10 Church Avenue, S.E.
- D. Request from Faison Roanoke Office, Ltd., represented by Jason Bentley, for a Certificate of Appropriateness approving replacement signage at 10 Jefferson Street, S.E.
- E. Request from Sherwin Jacobs, represented by Tom and Darrin Beck, approving light fixtures at 309 Market Street, SE.

Efforts will be made to provide accommodations, based on individual needs, for qualified individuals with disabilities, provided that reasonable advance notification has been received.

Post-it	Date	# of pages
Fax Note R7673	7/7	11
To	Dana Walker	
Fax#		
From		
Phone#		

**ARCHITECTURAL REVIEW BOARD
MAY 8, 2003**

MINUTES

The regular meeting of the City of Roanoke Architectural Review Board was held on Thursday, May 8, 2003. The meeting was called to order at 4:01 p.m., by Robert Richert, chairman. Board attendance was as follows:

Members Present:

Alison Blanton – late
Don Harwood
Robert Manetta
Kyle Ray
Robert Richert
James Schlueter

Members Absent:

Matt Prescott

Mr. Richert said that a request to continue the matter from Physicians Associates of Virginia had been received. He said the matter would be considered in June. The following items were considered:

1. Approval of Minutes – April 10, 2003.

Mr. Richert asked for additions and/or corrections to the April 10, 2003, minutes. There being none, he declared the minutes approved as written.

2. Request from Walter and Walter Properties, LLC, represented by Walt Derey, for a Certificate of Appropriateness approving exterior modifications to house and garage at 433 Albemarle Avenue, S.W.

Mr. Richert asked Mr. Derey if there were any changes to application.

Mr. Derey said there were not. He said that the Board had requested more information on the products that would be used. He showed the Board samples of the vinyl siding he proposed to use on the sides and rear of the structure. He also showed how it would wrap around the windows, doors and corner boards. He showed the type of crown molding he proposed to use and showed how it would fit into the soffit. Mr. Derey said that Mr. Schlueter had looked under the T-111 siding on the garage and found asbestos and fiberboard.

Mr. Harwood said that the designer of the siding material intended it to run perpendicular to the house as opposed to parallel. He said that if the applicant was going to use vinyl soffit material, he would need to request the installer to turn it parallel and that it needed to be beaded soffit material. Mr. Harwood encouraged Mr. Derey to leave the soffit material painted, because covering over

Architectural Review Board
Page 2
May 8, 2003

the soffit material sometimes caused further damage if there was leakage or other problems.

Mr. Derey said the hidden gutters were in good shape, but the soffit material had been butchered.

Mr. Harwood asked if the fascia was being covered.

Mr. Derey said that he was going to do a vinyl wrap, with break metal components.

Mr. Harwood asked Mr. Derey if he was okay with using beaded soffit material and turning it parallel.

Mr. Derey said that was fine.

Mr. Ray asked if the siding was going to be two different widths.

Mr. Derey said there would be double Dutch lap and triple lap sidings installed.

Mr. Richert asked how the siding would transition around the front corner, since the front of the house was not going to be sided.

Mr. Derey said that the finish would be on the side.

Mr. Richert clarified that Mr. Derey had modified the original request to side the entire house, to now include only the rear and two sides.

Mr. Harwood said he had a real problem with leaving one side exposed. He said that he thought we would wind up with a stranger situation by having siding on three sides. He said he would be in favor of going back to the original proposal and doing the entire package.

Mr. Schlueter asked Mr. Derey if he had looked into the railing.

Mr. Derey said it should not be hard to replicate the railing.

Mr. Richert commented that the original application did not speak to railings.

Mr. Derey said that all the revisions were in the staff report.

Ms. Beckett said she agreed with replicating the porch. She also said she felt the T-111 siding should come off and she did not think synthetic siding should be installed over good wood siding.

Mr. Richert asked for audience comment.

Architectural Review Board
Page 3
May 8, 2003

Marwood Larson Harris appeared before the Board on behalf of the Board of Old Southwest, Inc. (OSW). He said the OSW Board was very excited about making a transition from a boarded-up house to an occupied home, but were surprised by the vinyl being proposed. He said it was a perfectly good wood structure and the OSW Board was concerned that the Architectural Review Board was seriously considering the proposal. He said that Albemarle Avenue was no longer hanging by a "strong thread" and could be weakened by having houses clad in vinyl. He said the Board of OSW would urge the Board not to approve the project as it stands.

Mr. Talevi called Section 36.1-345(c) to the Board's attention and said the Board needed to focus on whether the siding proposed was a material of the same design of that on the building and whether the proposed material maintained the architectural defining features of the building.

Mr. Richert said that he believed both City Council and the H-2 guidelines, established by this Board and endorsed by City Council, allow the ARB to deny the covering of building with a synthetic material in a historic district, based on the definition of what similar materials are. He said that in the guidelines under siding, it states very specifically, "do not replace sound historic siding with new material to achieve an improved appearance." He said that the rush to do that had convinced him that if the Board did not bring this to a halt, the Board would continue to do irreparable harm and damage to the H-2, historic district. He said he would no longer be a party to this desecration. With regard to this specific application, he said he believed that the siding on the building was not only sound, but did not even need paint. He said that while the restoration of the front façade was a most desirable, absent a substantive motion to exclude the vinyl cladding of the main structure and the carriage house until the current inappropriate siding has been removed, so we can make an accurate assessment of the underlying condition, he would vote no on the request. He said he firmly believed that the future of the historic district was severely in danger and he would no longer support these request, barring overwhelming evidence that siding was the only alternative.

Mr. Talevi asked if there was a carriage house involved in the application.

Mr. Richert said that it was being referred to as a garage.

Ms. Beckett commented that it was almost virtually impossible to match vinyl siding with the existing wood siding. She said that the structure in question had three different styles of wood siding.

Mrs. Blanton arrived at 4:20 p.m.

Architectural Review Board

Page 4

May 8, 2003

Mr. Harwood said that he was finding himself on both sides of the issue. He said when he had first seen the structure, he was struck by the uniqueness of the siding on the lower half of the house and the fact that it was in fairly good shape. He also said that he felt the applicant had put forth a good effort to bring details about the vinyl siding he planned to use. He said the idea of leaving the front of the house as exposed wood struck him as odd. He said the Board was established to maintain the character and this building had not had deterioration over the years and was in fairly good shape. He agreed that a little more maintenance would be required.

Mr. Manetta said that he did not see anything in the staff report that addressed the materials below the front porch. He said that he did not think what was there now fell within the guidelines.

Ms. Beckett suggested that that plywood panels be removed and that lattice and plantings be installed.

Mr. Manetta said that he did not know what was appropriate and he was uncomfortable with just saying it would be changed. Mr. Manetta also commented on the carriage house/garage. He said there had been evidence by Mr. Schlueter that there was nothing under the siding, so he did not have any problem with applying vinyl siding to the garage and that would be an improvement. He said that the vinyl siding on the house was another issue and it mystified him why they wanted to put vinyl siding on it anyway.

Mr. Derey commented that the profile of the siding matched the profile on the bottom of the house and that the novelty siding on the top was almost a match.

Mr. Talevi asked Mr. Derey if he had any written information on the siding.

Mr. Derey said he could provide that. He also said he would be glad to work with staff on the wooden lattice work below the porch.

There being no further discussion, Mr. Richert said that a motion was on the table. He asked for a roll call vote. The request was denied by a roll call vote of 1-5, as follows:

Mrs. Blanton – no
Mr. Harwood – no
Mr. Ray – no
Mr. Manetta – no
Mr. Schlueter – yes
Mr. Richert – no

Architectural Review Board

Page 5

May 8, 2003

3. Request from 123 East Campbell Avenue Associates, represented by Robert Szathmary, for a Certificate of Appropriateness approving light fixtures of 123 Campbell Avenue, S.E.

Request from 123 East Campbell Avenue Associates, represented by Robert Szathmary, for a Certificate of Appropriateness approving rear wall modifications at 123 Campbell Avenue, S.E.

Mr. Szathmary was not in attendance to present the requests. The Board moved both items to the end of the agenda. Mr. Szathmary still was not in attendance at the end of the agenda; therefore, the Board continued the matters until their June meeting.

4. Request H & W Properties, LLC, represented by Dana Walker, for a Certificate of Appropriateness approving installation of vinyl siding and corner boards on structure at 702 Marshall Avenue, S.W.

Mr. Richert asked Mr. Walker if he had anything to add to his request.

Mr. Walker responded that he did not.

Mr. Richert said that in reviewing the staff report, there seemed to be some of the same issues on this request as there were on the previous one.

Mr. Harwood asked what size siding was on the structure.

Mr. Walker responded that there were 4x4s on the rear of the house and 5x5s on the front. He said that his contractor had already started the job using 4x4 Dutch lap siding.

Mr. Harwood asked the condition of the siding.

Mr. Walker said that it was in pretty fair shape, but the problem was that they could not keep paint on the house.

Mr. Harwood asked where the gutters were.

Mr. Walker responded that there had been nogutters on the house since he owned it.

Mr. Harwood said he suspected the problem was moisture probably caused by the lack of guttering.

Mr. Richert said he also cted there was a moisture problem. He said that the front porch and dormer had been modified to the point that the house was in sad

Architectural Review Board

Page 6

May 8, 2003

condition. He said he felt the house deserved better than vinyl siding and his position was well documented and he would not support vinyl siding on the building.

Mr. Walker said he was trying to improve the property and he did not know there was such a problem with vinyl siding.

Mr. Talevi directed the Board's attention to Section 36.1-345(c) and wanted the Board to note when a Certificate of Appropriateness was required and when was a Certificate was not required, as it applied to vinyl siding.

Mr. Richert asked for audience comment.

Mr. Larwood Harris appeared before the Board on behalf of the Board of OSW and said he had similar sentiments as before. He said that just covering the house would set a negative tone for the block and OSW urged the homeowner to do what the house needed.

Mr. Talevi asked for clarification between 4x4 and 5x5 siding.

Mr. Walker explained the difference, noting that he was planning to cover the entire house with 4x4.

Mr. Talevi said that the Board had to make a finding as to whether there was a difference between 4x4 and 5x5.

Ms. Beckett said that she thought the siding was different and she felt the structure could be painted. She said that Mr. Walker needed to investigate the moisture problem and she recommended denial.

Mr. Manetta questioned whether there was anything unique about the siding on this structure.

Ms. Beckett responded that it was not unique or decorative.

Mr. Richert said that the Board tried to give people an opportunity to take advantage of meeting with staff and a few Board members to discuss alternatives. He advised Mr. Walker that if his request was denied, then it would be a year before he could come back with the same request. He noted that the applicant could request a continuance.

Mr. Walker said that on the other corner a project had been completed with the same siding.

Architectural Review Board

Page 7

May 8, 2003

Mr. Richert said that was done illegally. He said he realized that there was a precedent, but the Board was trying to move toward better things and was trying to be consistent and not be bound by precedent.

Mr. Manetta said he saw a difference between this building and the last one. He said that his concern was not so much that you would be putting on vinyl siding, but that the applications were being done in such a way that it was taking away a lot of the architectural elements of the buildings. He said he would like to take another look at this structure.

Mrs. Blanton said that she thought there was an issue of deciding whether or not this was a character-defining situation. She applauded Mr. Walker's attempt to paint the building. She said she was concerned about the moisture problem and possibly covering the problem up with the siding and causing further deterioration.

Mr. Walker said that if there was a reasonable way to do this, he would encourage the Board to attempt to maintain a finer line in the City's higher value, more desirable streets of Old Southwest and perhaps relax the standards somewhat as long as properties were being improved on Day and Marshall. He said he would be willing to consider one of the two things suggested by Ms. Blanton in return for the Board's consideration in letting him complete the project. He said he would consider pulling off the 4x4s and putting on all 5x5s or completing the entire project with 4x4s, and making some improvement to the front porch.

Mr. Richert told Mr. Walker that that type of negotiation needed to take place outside the hearing. He said that the Board suggested meeting with staff and a few Board members to iron out those types of details.

Mr. Harwood asked what was being done about the window wrap and Mr. Walker responded that he had not been wrapping the windows. There was discussion about the procedure for wrapping windows and the lack of window profile once siding was applied without the window wrapping.

Mr. Manetta commented that Mr. Walker might want to meet with two members of the Board and staff to come back with a different proposal.

Mr. Walker asked if the Board would approve either of the two options he proposed.

Mr. Richert said he did not know, but he had been clear on his position.

Mr. Talevi cautioned the Board against "horse trading." He said the issue was architectural compatibility.

Architectural Review Board

Page 8

May 8, 2003

Mr. Walker said he would like to change his request from siding with 4x4s to using all 5x5s.

Mr. Richert asked for comments on the modified proposal.

Mr. Harwood asked if the applicant would be willing to modify his application to say that he would use the window and door treatments with the integral "J" channel system. There was further discussion about the "J" channel systems.

Mr. Walker said he would do 5x5s and trim with the "J" channels.

Ms. Beckett said that even with the modified request, she would still say that the house needed care other than vinyl siding and would still recommend denial.

There being no further discussion, motion was made by Mr. Harwood to approve the modified application using 3 1/2 " exposure main "J" channel around all windows and doors as well as the corner trim; and that the 5" exposure siding be used in lieu of 4". The motion was seconded by Mr. Manetta.

Mrs. Blanton said that staff did not have any sample of the siding and she was uncomfortable voting for this. She said she appreciated Mr. Walker working with the Board, but was uncomfortable voting without seeing any materials.

Mr. Harwood asked Mr. Walker if he intended to install downspouts and gutters.

Mr. Walker said there had been no discussion about that and would possibly be done later.

A roll call vote on the motion was taken and the request was denied by a vote of 2-4, as follows:

Mrs. Blanton – no
Mr. Harwood – no
Mr. Ray – no
Mr. Manetta – yes
Mr. Schleuter – yes
Mr. Richert – no

Mr. Manetta said that he thought the whole vinyl siding issue was murky. He said that he thought the ordinance dealing with this was a gray area and he could not, as a member of the Board, give anyone any guidance on vinyl siding. He said that the Code allows it.

Mr. Talevi asked what Mr. Manetta found to be murky.

Architectural Review Board
Page 9
May 8, 2003

Mr. Manetta said that the words "same design" were a problem. He suggested a work session on the issue.

Mr. Richert asked Ms. Beckett to arrange a work session.

5. Request from 10 East Church Avenue, LLC, represented by David L. Bandy, for a Certificate of Appropriateness approving three signs at 10 Church Avenue, S.E.

Mr. Bandy appeared before the Board and said that he had originally requested Plexiglas inserts, however, his clients no longer wanted the Plexiglas. He said that was the only modification to the request for signs.

Mr. Richert asked for comments.

There being no questions from the Board and audience, Mr. Richert asked for all those in favor of the request. The request was approved by a vote of 6-0.

At the conclusion of his presentation, Mr. Bandy said that as a previous ARB member, he had continually dealt with the vinyl siding issue. He said that four years ago he had suggested that the historic districts move completely away from allowing vinyl siding. He said that hearty paint and other materials were available that could more than take care of those types of issues.

6. Request from Faison Roanoke Office, Ltd., represented by Jason Bentley, for a Certificate of Appropriateness approving replacement signage at 10 Jefferson Street, S.E.

Mr. Richert asked Mr. Bentley if he had anything to add to the request.

Mr. Bentley responded that they planned to use a new "L" clip.

Mr. Manetta asked if the signs would be on both sides of the tower.

Mr. Bentley said the signs would be on the north and south sides.

Mr. Harwood questioned the placement of the sign, noting that the drawing showed the lettering outside of the arched area.

Mr. David Kinsey with Kinsey Crane and Sign appeared before the Board and said that he would be doing the installation. He said that the top of the "W" would come to the edge contour. He said it would be right at the radius.

Mr. Ray asked that the applicant make sure that the lettering fit within the glass area.

Architectural Review Board
Page 10
May 8, 2003

There being no further discussion, Mr. Richert asked for all those in favor of the request. The request was approved by a vote of 6-0.

7. Request from Sherwin Jacobs, represented by Tom and Darrin Beck, approving light fixtures at 309 Market Street, S.E.

Mr. Richert said that the petitioners thought there may be extenuating circumstances precluding them from attending the hearing. They were not present. Mr. Richert said that this was a rather peculiar situation in that the property owner had agreed for the tenant to make the request and for the Board to make their thoughts known, however, a letter from the owner stated that he did not expect to allow the tenant to install the lights. He said that the request was to erect three wall-mounted lights, as well as a hanging light over the front door. He said that it seemed like overkill to him. He said that perhaps the hanging light over the door and one light in the center piece of the windows would be appropriate.

Ms. Beckett said the tenant would like two lights that would frame their logo. She said if the Board was going to approve only one light in the middle, she would like to see a larger light.

Mr. Talevi said he had just read the letter from Mr. Jacobs and he was concerned that the Board was going ahead with an application where the owner was not in accord.

Ms. Beckett said that she had talked with Mr. Jacobs and he was concerned about lighting.

Mr. Talevi asked if the lights would encroach in the City's right-of-way.

Mr. Richert said that it would extend out from the building.

Mr. Talevi said that an encroachment permit may be needed and he suggested that if the Board issued a Certificate of Appropriateness, they may want to discuss the need for an encroachment permit.

Ms. Beckett said she would discuss that with the tenant.

Ms. Blanton asked if the tenant still wanted to hang a light over the door.

Ms. Beckett said that he did.

Mr. Harwood asked if the hanging lamp would be a replacement.

Ms. Beckett said it would be a replacement.

Architectural Review Board

Page 11

May 8, 2003

Mr. Manetta said that it was his personal opinion that there was enough going on in the Market area and that two lamps were not needed. He said he was not concerned about the hanging lamp.

Mr. Richert said he thought the original request for four lights was too much.

There being no further discussion, Mr. Harwood moved to approve 2 wall mounted lights, Revere 8201; and that the hanging light fixture be replaced with a Revere fixture. The motion was seconded by Mrs. Blanton and approved by a roll call vote of 4-2, as follows:

Mrs. Blanton – yes
Mr. Harwood – yes
Mr. Ray – yes
Mr. Manetta – no
Mr. Schleuter – no
Mr. Richert – yes

There being no further business to come before the Board, the meeting adjourned at 5:33 p.m.



CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

B.1.(b)

Architectural Review Board
Board of Zoning Appeals
Planning Commission

August 18, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: H & W Properties Appeal of Architectural Review Board
Decision - 702 Marshall Avenue, S.W.

Background:

On May 8, 2003, the Architectural Review Board (ARB) considered H&W Properties, LLC, by Dana Walker, request for a Certificate of Appropriateness approving synthetic siding being installed on a five-unit dwelling at 702 Marshall Avenue, S.W.. Mr. Walker stated that he was not able to keep paint on the house, and wanted to add the vinyl siding in order to improve the property. Some Board members expressed concern that the house was suffering from moisture damage because of a lack of gutters and downspouts, which prevented the paint from adhering to the house.

Staff advised that synthetic siding is permitted in the H-2 District, provided that materials of the same design are used, and the architecturally defining features of the building are maintained. The project was not using materials of the same design, and therefore, required ARB review.

At the ARB meeting, Mr. Walker proposed different size siding materials and improvements to the front porch, stating that the Board should have a more lenient standard for properties on Day and Marshall Avenues.

The motion to approve the application failed by a 2-4 vote. Board members voting against the application stated that the proposal was inconsistent with the guidelines because the proposed siding did not match the size and shape of the existing siding, window and door details and material samples were not submitted. The Board also stated that siding is a character defining feature of the house. It was also noted that the house is suffering from moisture damage

that the improper installation of siding could exacerbate. Mr. Walker was formally notified of the denial and of his right to appeal to City Council by letter dated May 12, 2003.

Mr. Walker filed an appeal of the Architectural Review Board's decision on June 5, 2003, and was heard by City Council June 16, 2003. City Council requested that Mr. Walker return to the ARB with more details for his proposal.

On July 10, 2003, the ARB considered Mr. Walker's amended application (See Minutes: Attachment A). Mr. Walker proposed to remove the 4x4 Dutch-lap vinyl siding that he previously had began to install, and replace it with 5x5 Dutch-lap vinyl siding, add an integral J-channel door and window trim, provide three options on corner boards, replace loose or missing original boards, and add gutters and downspouts. Staff remained concerned with the proposal because the building lacked regular maintenance, and needed to be repaired because of moisture problems due to a lack of gutters and downspouts. The application of synthetic siding for an improved appearance is not consistent with the H-2 Architectural Guidelines.

Comments from members of the Board included that a building should only be covered with synthetic siding under the most compelling circumstances, because it is not consistent with the architectural character of the historic district. Members stated that encasing the building would allow further deterioration of the original material. The motion to approve the application failed by a 0-5 vote. Mr. Walker was formally notified of the denial and of his right to appeal to City Council by letter dated July 11, 2003.

Mr. Walker filed an appeal of the Architectural Review Board's decision on August 1, 2003 (Attachment B),

Considerations:

Section 36.1-345(c) of the Zoning Ordinance provides:

"The installation or replacement of siding...shall not require a certificate of appropriateness, provided that such installation or replacement is performed using materials which are *of the same design as those on the building, structure or landmark, and provided that such installation or replacement maintains the architectural defining features of the building, structure or landmark.* [emphasis added]

The H-2 Architectural Design Guidelines adopted by the ARB and endorsed by City Council state that historic wood siding is a distinctive feature of many Roanoke residences and that changing or covering siding can often alter or destroy the authentic character of a building. The guidelines further recommend

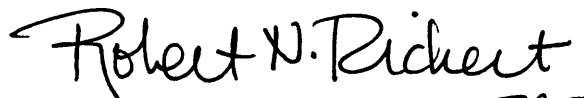
the following be considered specifically when evaluating the installation of synthetic siding:

- Do not replace sound historic siding with new materials to achieve an "improved" appearance.
- Historic wood siding is a distinctive feature that helps to define the visual characteristics of a building.
- Retain existing siding: Identify and keep the original exterior siding materials as well as any unique siding.

Recommendation:

The Architectural Review Board recommends that City Council affirm the ARB decision and thereby deny the issuance of a Certificate of Appropriateness.

Sincerely,

A handwritten signature in black ink that reads "Robert N. Richert". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Robert N. Richert, Chairman *RNR*
Architectural Review Board

cc: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
R. Brian Townsend, Director, Planning Building and Development
Anne S. Beckett, Agent, Architectural Review Board

City of Roanoke Architectural Review Board
July 10, 2003
Page 4

DRAFT

Mr. Harwood – yes
Mr. Ray – yes
Mr. Manetta – yes
Mr. Prescott – yes
Mr. Richert – yes

- 4, Request from H & W Properties, LLC, represented by Dana A. Walker for a Certificate of Appropriateness approving the installation of vinyl siding and corner boards at 702 Marshall Avenue, S.W.

Mr. Richert asked Mr. Walker if he had anything to show the Board.

Mr. Walker said he would like to request that the following list of amendments and changes be noted in the minutes of the hearing.

1. proposing to remove the 4x4 Dutch Lap siding and "J" channel and corner boards and replace them with 5x5 Dutch Lap siding. He said that he was proposing integral "J" channel for windows, doors and corners.
2. proposing to wrap the window facings;
3. proposing to let the Board choose between 3 options on the corner boards: (1) traditional; (2) fluted; or (3) 3 piece rounded center;
4. proposing to secure or replace loose or missing original boards;
5. proposing to install gutters and downspouts

He said that all of the items had been concerns at the last hearing. He then showed a sample of the 5x5 Dutch Lap siding, as well as the integral "J" channel for the windows and doors. He also showed samples and photographs of the 3 types of corner boards. He said the 3 piece rounded was designed to look like what was on the building at present.

Mr. Richert asked for comments.

Ms. Beckett said that she still believed that the request was not consistent with the H-2 guidelines. She said that she thought the house should be repaired before any vinyl siding was considered.

Mr. Walker said that he had asked Ms. Beckett about the specific repair issues that should be addressed and he was still waiting on an answer.

Ms. Beckett said that there were a lot of moisture issues because of the lack of gutters and she thought the vinyl siding would trap more moisture and accelerate the deterioration of the building.

Mr. Walker pointed out that the window trims were the same size, but the door trims were two different sizes. He said he would cut down the window facings to five inches, and on the door, he would come up with something consistent.

Mr. Richert questioned whether it would be the same or 3 ½"

Mr. Walker said that he thought it would look better at five inches to match the windows.

Mr. Harwood questioned why siding was being considered for the building. He asked if the wood siding was deteriorated. He questioned whether the Board's thinking was more that vinyl siding may be appropriate for new construction or when something would not hold paint.

Mr. Walker said he had struggled over the years to keep paint on the building and the long-term cost effectiveness.

Mr. Richert said that it was his opinion that unless a building was a major disaster, that the covering of the historic buildings in the historic district was inconsistent with the architectural character of the district. He said the request did not meet the criteria for him and he was not going to support the request. He said that casing the building would allow further deterioration.

Mr. Walker quoted from Section 36.1-345 of the Code and noted that it did not say that you had to use the same materials.

Mr. Richert asked for audience comment.

Mr. David Lazarchik (364 Walnut Avenue) appeared before the Board and read a prepared statement from Old Southwest Inc. This statement is attached to the minutes and labeled Attachment 1.

Mr. Peter Krull (609 Woods Avenue) appeared before the Board and said that he had dealt with an issue regarding vinyl last year, however, his request was in the rear of the house. He said that this one was in the front. He commented on the new paint products available and the workshop that had been held at an Old Southwest meeting, with City staff, on long-term paints.

Mr. Prescott said that the Board had been talking about not approving any more vinyl siding unless there was no other option. He asked if that was in line with the City Code.

Mr. Richert said that the current ordinance gave the Board the authority to make a decision based on the architectural appropriateness and that was his basis for objection.

DRAFT

Mr. Prescott asked the City Attorney's opinion.

Mr. Gary Tegenkamp also read Section 36.1-345 noting when a certificate of appropriateness was not required for installation or replacement of siding. He said it was a judgment call by the Board.

Mr. Prescott asked if Council had referred the matter back to the Board for more details.

Mr. Richert said that Council had told the applicant he had not followed the proper procedure.

Mr. Walker asked why all this time was being spent attempting to justify the Board's position and not being spent trying to change the Code.

Mr. Richert said that was being done.

Mr. Richert then stated it seemed the only matter that had not been resolved was the corner boards.

Mr. Harwood said he would use the rounded three piece.

Mr. Richert asked the Secretary to poll the Board.

The request was denied by a roll call vote of 5-0, as follows:

Mr. Harwood – no
Mr. Ray – no
Mr. Manetta – no
Mr. Prescott – no
Mr. Richert – no

5. Request from Tiberius Enterprises, Inc., represented by Sign Design, for a Certificate of Appropriateness approving signage at 1328 Second Street, S.W., Official Tax No. 1030706.

Mr. Dan Moore from Sign Design appeared before the Board and said he was open to any suggestions the Board might want to make relative to the sign.

Mr. Harwood said that Board members on the tour had discussed the "v" shaped sign and were not in favor of it. He said that the sentiment had leaned toward a sign perpendicular to the building.

VIRGINIA;

IN THE COUNCIL OF THE CITY OF ROANOKE

IN THE MATTER OF

PETITION FOR APPEAL

This is a Petition for Appeal from a decision of the Architectural Review Board under Section 36.1-642(d) of the Zoning Ordinance of the Code of the City of Roanoke (1979), as amended.

1. Name of Petitioner(s): H & W Properties, LLC
2. Doing business as (if applicable): (Same)
3. Street address of property which is the subject of this appeal: 702 Marshall Ave. S.W.
4. Overlay zoning (H-1, Historic District, or H-2, Neighborhood Preservation District) of property(ies) which is the subject of this appeal: H-2
5. Date the hearing before the Architectural Review Board was held at which the decision being appealed was made: May 8, 2003 1st Hearing
July 10, 2003 2nd Hearing
6. Section of the Code of the City of Roanoke under which the Certificate of Appropriateness was requested from the Architectural Review Board (Section 36.1-327 if H-1 or Section 36.1-345 if H-2): 36.1-345
7. Description of the request for which the Certificate of Appropriateness was sought from the Architectural Review Board: Installation of vinyl siding, corner boards, window and door facings
8. Grounds for appeal: Sec 36.1-345 does not require a certificate of appropriateness as long as the materials are of the same design and maintain the architectural defining features of the building. Page 4 of the minutes of the ARB hearing from July 10, 2003 show the amendments and changes made by H & W Properties, LLC in order to meet the code requirements.
9. Name, title, address and telephone number of person(s) who will represent the Petitioner(s) before City Council: Dana A. Walker, General Manager, H&W Properties, LLC
c/o Hall Assoc. Inc. 213 S. Jefferson Street #1007
Roanoke, Virginia 24011 580 - 5038

WHEREFORE, your Petitioner(s) requests that the action of the Architectural Review Board be reversed or modified and that a Certificate of Appropriateness be granted.

Signature of Owner(s)
(If not Petitioner):

Name: _____
(print or type)

Name: _____
(print or type)

Signature of Petitioner(s) or
representative(s), where
applicable:

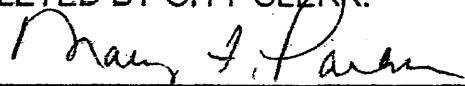


Name: Dana A. Walker
(print or type)
H&W Properties, LLC
General Manager

Name: _____
(print or type)

TO BE COMPLETED BY CITY CLERK:

Received by:



Date: 07-31-03